

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82216 of 2019**

Arising Out of PS. Case No.-350 Year-2019 Thana- PHULWARISHARIF District- Patna

ARVIND YADAV @ ARVIND KUMAR Son of Vishun Dayal Rai @ Bishun  
Dev Rai R/O- Upharpura, Railway Colony Tola Kharpura, P.S.- Phulwari  
Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      18-12-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Special Case No. 3591/2019 arising out of Phulwari Sharif  
P.S. Case No.350/19, registered under Section 30 (a) Bihar  
Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., Dharmendar Mahto  
and Monu were arrested and from their possession illicit liquor  
was recovered. The apprehended accused confessed before the  
police that they purchased the said illicit liquor from the  
petitioner.

It is submitted by learned counsel for the petitioner  
that the allegations levelled against the petitioner is false and



concocted. Confession of co-accused before the police has no value as no incriminating article has been recovered from the possession of the petitioner and the petitioner has got no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration of the fact that petitioner was not arrested at the spot, no incriminating article has been recovered from his possession and he has no criminal antecedent the court is inclined to enlarge the petitioner on bail. The petitioner above named is directed to surrender in the Court below within a period of six weeks from today and in case of his arrest or surrender, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 3591/2019 (arising out of Phulwari Sharif P.S. Case No. 350/2019), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Partha Sarthy, J)**

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