

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14498 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- KASHICHAK District- Nawada

Binod Yadav, aged about 32 years, Male, Son of Ramchandra Yadav, Resident of Village Uprava, P.S. Pakaribarawan (Kashichak), Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-09-2020 Heard Mr. Pramod Kumar Verma, learned counsel for the petitioner and the learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Kashichak P.S. Case No.158 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant got secret inputs that the petitioner Binod Yadav, Manish Singh @ Lokesh Kumar, Niranjana Singh @ Niro, Umesh Kumar and Vikash Kumar, the driver of the vehicle and other two unknown persons were carrying liquor in a Xylo vehicle bearing Registration No. JH10V-0155. When the police signaled the vehicle to stop, the driver of the vehicle did not stop the vehicle and fled away towards village Birnama. After some distance, the driver of the vehicle and other accused persons left the vehicle by the side of the road. The vehicle was seized and 520 litres of spirit was recovered from the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and he has in fact committed no offence.



The petitioner is not the owner of the vehicle but it appears that the anticipatory bail petition of the similarly situated co-accused persons, namely, Niranjana Singh @ Niro was withdrawn. Vikash Kumar was granted regular bail vide order dated 04.12.2019, passed in Cr. Misc. No.79026 of 2019. The case of the petitioner stands on the same footing. There is allegation that the petitioner and others were carrying huge quantity of liquor in the vehicle.

Taking into consideration facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the case of regular bail of the petitioner without being prejudiced from the order of this Court taking into consideration that the similarly situated co-accused has already been granted regular bail.

(Prabhat Kumar Jha, J)

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