

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24028 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- PIRI BAZAR District- Lakhisarai

KAPIL YADAV S/o Baudhu Yadav R/o Village- Lahsorba, P.S.- Piribazar,
District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Piribazar P.S. Case No.160 of 2020, registered for the offence u/s 30(a)(b)(c) of the Bihar Prohibition and Excise Act 2018.

Altogether 10 liters of Mahua liquor is said to have been recovered from the agricultural field of one Dwarika Yadav.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Petitioner has been falsely implicated in this case due to ulterior motive



and grudge. He has not been apprehended on the spot rather his name has transpired in this case on the name disclosed of the persons who fled away from the place of recovery by the chowkidar. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said recovery has been made from an agricultural field which does not belong to the petitioner. There is violation of section 100 of the Cr.P.C.. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Piribazar P.S. Case No.160 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the



learned Court below on showing receipt of deposit of
Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court
Legal Services Committee.

(Anjani Kumar Sharan, J)

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