

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35944 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- MUFFASIL District- Aurangabad

1. PRAMOD KUMAR Son of Chanarik Yadav, Resident of Village-Ajarkabe Hasauli, P.S.-Aurangabad Mufassil, District-Aurangabad (Bihar).
2. KAMLESH KUMAR S/o Pravesh Yadav, Resident of Village-Ajarkabe Hasauli, P.S.-Aurangabad Mufassil, District-Aurangabad (Bihar).
3. AKHILESH YADAV S/o Chandradeo Yadav, Resident of Village-Ajarkabe Hasauli, P.S.-Aurangabad Mufassil, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Adv.
For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-06-2021 Heard both sides through Video Conferencing.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no.1 (Pramod Kumar) and petitioner no.3 (Akhilesh Yadav).

Prayer is allowed.

The anticipatory bail petition of petitioner no.1 (Pramod Kumar) and petitioner no.3 (Akhilesh Yadav) is dismissed as withdrawn.

Petitioner no.2 (Kamlesh Kumar) apprehends his arrest in Aurangabad Muffasil P.S. Case No.14 of 2020 registered under Section 30(a) of the Bihar Prohibition and

Excise Act.

The informant alleged that he got secret information with regard to transportation of liquor. The informant raided the house of one Kalindra Kumar. One diary and some keys were recovered. The name of the petitioner and others were mentioned in the diary. On the disclosure made by Kalindra Kumar, a huge quantity of liquor was recovered. Kalindra Kumar also disclosed the name of the petitioner and others. The police raided the house of the petitioner but nothing was recovered.

Learned counsel for the petitioner submits that save and except the fact that Kalindra Kumar disclosed the name of the petitioner, there is no material to show that the petitioner was indulged in transportation of liquor and selling of liquor. The house of the petitioner was raided but no liquor was recovered. The petitioner has got no criminal antecedent.

Learned A.P.P. opposed the prayer for anticipatory bail.

Having considered the facts that save and except the disclosure made by Kalindra Kumar, there is no material to show that the petitioner was indulged in the trade of illicit liquor and no liquor was recovered from the house of the petitioner,

petitioner no.2, namely, Kamlesh Kumar, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad (Bihar) in connection with Aurangabad Muffasil P.S. Case No.14 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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