

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2145 of 2021**

Arising Out of PS. Case No.-353 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ABHISHEK YADAV @ ABHISHEK KUMAR Son of Dineshwar Yadav R/o
Gali No. 1, Panjabi Colony, P.s.- Samastipur Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 22-11-2021 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Mufassil P.S. Case No. 353
of 2020 registered for the offence punishable
under Section 120(B), 147, 148, 149, 225, 323,
333, 335, 341, 353, 504 of the Indian Penal Code
and Sections 30(a), 32(2), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The accusation is that on receiving secret
information about parking of truck loaded with
illicit liquor and other vehicles in village Rampur
Dudhpura by Suresh Rai and his sons, the



informant along with other police personnel reached near the house of Suresh Rai, where they saw a truck parked towards the northern side at a distance of about 50 yards. On seeing the police party, the accused persons started fleeing away, but on being chased, three persons were apprehended. The apprehended persons disclosed their names as Suresh Rai, Swami Narayan Arwala @ Ajay and Niraj Kumar. On search of the truck bearing registration no. BR 2GA 4214, several bottles of Indian made foreign liquor, totaling to 3616 litres were recovered. Thereafter, Bolero vehicle was searched and 315 liter of illicit Indian made foreign liquor was recovered. On search of the Scorpio vehicle, 72 liters of Indian made foreign liquor was recovered. The arrested accused person, namely, Swami Narayan, on being interrogated, disclosed that his brother, Dharmvir Rai, Abhishekh Yadav (petitioner) and Maniya @ Mani Kumar @ Sujit Kumar were also engaged in carrying illicit liquor, which was recovered from the



said truck.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that neither the petitioner has been apprehended on the spot nor any illicit liquor has been recovered from the petitioner and he has been implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Swami Narayan. It is further submitted that similarly situated co-accused person, namely, Sri Maniya @ Mani Kumar @ Sujit Kumar, has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 19.7.2021 passed in Criminal Miscellaneous No. 39953 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner



with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, as aforesaid, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session's Judge 2nd cum Special Judge, Excise, Samastipur in connection with Samastipur Mufassil P.S.Case No. 353 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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