

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4662 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- PHULWARIYA District- Gopalganj

BAJENDRA YADAV @ BAJENDRA KUMAR YADAV S/o Mishri Yadav
R/o village- Madarwani, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Phulwariya P.S. Case no. 115 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition an Excise Act, 2016.

As per allegation in the FIR, acting on a tip off, police has reached near dry Gandak Canal and on seeing the police party two accused persons including the petitioner, who were carrying liquor in plastic bags, managed to escape after throwing his bags. On search, a total of 16 litres IMFL has been recovered and, accordingly, a seizure list has been prepared in front of villagers.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious physical possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that petitioner is named in the F.I.R. and after seeing the police party, he succeeded to escape after throwing his liquor containing plastic bag, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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