

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8661 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- BYPASS District- Patna

NAND KISHORE YADAV Son of Navdeep Rai Resident of Village -
Mahavir Ghat, P.S.- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Sections 30(a), 32, 36 and 41(1) (2) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 54137.160 litres of foreign liquor along with 7041.600 litres of country made liquor from a warehouse.

Learned counsel for the petitioner submits that from bare perusal of the F.I.R. it would manifest that the informant in the F.I.R. has categorically stated that from the place of occurrence the owner of the warehouse was apprehended who



disclosed that the warehouse was given on lease to Ramendra Sharma @ Tiwari resident of Uttar Pradesh, further he also disclosed that the said warehouse was given to him on lease through the present petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for the reason that the owner of the warehouse had given the warehouse on lease to one Ramendra Sharma, it is next submitted that if the petitioner had introduced Ramendra Sharma to the owner of the warehouse that in no manner connects the petitioner with the offence that he was instrumental in dealing in illegal liquor trade. Learned counsel next submitted that admittedly the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession. It is also a fact that the petitioner is neither the owner nor the lessee of the aforesaid godown and merely because he is known to the owner of the warehouse and the lessee hence he has been implicated in the present case based on suspicion.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a



person with clean antecedent, the petitioner above-named, in the event of his arrest or 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. 20,000/- (Rupees Twenty 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 Special Case No. 797 of 2021 arising out of Bypass P.S. Case No. 38 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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