

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13468 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- SANDESH District- Bhojpur

1. BALIRAM YADAV Son of Rohan Yadav Resident of Village - Saripur, P.s.- Sandesh , Distt.- Bhojpur.
2. Brajesh Yadav Son of Rohan Yadav Resident of Village - Saripur, P.s.- Sandesh , Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through the virtual Court proceedings.

Learned counsel for the petitioners submits that petitioner no. 2 has been arrested during the pendency of the anticipatory bail application, thus, seeks permission to withdraw the prayer for anticipatory bail against him.

Permission is accorded.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 1 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is a person with clean antecedent.

Allegation is of recovery of 110 litres of liquor from four



gallons near the bank of Sone River and 30 drums of Mahua Paas which was destroyed at the spot.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 was not apprehended from the spot, as such, nothing was recovered from his conscious possession. He further submits that the alleged place of recovery is accessible by anyone, as such, it cannot be alleged with certainty that it was the petitioner no. 1 who had kept the liquor at the place of occurrence. He also submits that the petitioner no. 1 came to be falsely implicated at the instance of local Chawkidar and local people.

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 no. 1, the petitioner no. 1 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.5,000/- (Rupees 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 Sandesh P.S. Case No. 241 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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