

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24209 of 2022**

Arising Out of PS. Case No.-10 Year-2022 Thana- FULKAHA District- Araria

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LALAN KUMAR YADAV S/o Rupnarayan Yadav @ Shivnarayan Yadav
Resident of Village- Manikpur, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 26-08-2022 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 Fulkaha P.S. Case no. 10 of 2022 instituted for the offence punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 712 litres Nepali liquor from a scorpio. Driver of the alleged vehicle was apprehended on spot while co-driver succeeded to flee.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his



conscious and constructive possession. His name has surfaced in the case on the basis of confessional statement of driver before the police, which has got no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of bail and submitted that four cases of Excise Act is pending against the petitioner.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

The application stands disposed off.

However, if the petitioner surrenders and prays for regular bail, the same may 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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