

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32023 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- DUMRAO District- Buxar

MANGAL YADAV SON OF LATE GANGADHAR YADAV R/O
VILLAGE- BANJHU DERA, P.S.- DUMRAON, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-09-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 30(d) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 60 litres of foreign liquor and other operates of manufacturing liquor is said to have been recovered from beneath of Kav river. One person was apprehended from the spot and he disclosed the name of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the



instance of his enemies. His name transpired in this case on the basis of the confessional statement of the apprehended co-accused. Petitioner is the brother of the co-accused Gholtan Yadav, from whom he is living separately. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The recovery has been made from a open place and not from a private place. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP opposed the prayer for grant of anticipatory bail and submits that the petitioner is a member of syndicate involved in the manufacturing of illicit liquor.

Having regards to the facts and circumstances of the case, since the petitioner is a member of syndicate involved in the manufacturing of illicit liquor, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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