

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42621 of 2022

Arising Out of PS. Case No.-297 Year-2020 Thana- HUSSAINGANJ District- Siwan

RAJ KISHORE YADAV S/O LATE KHOMARI YADAV Resident of village-
Markan Pokhra Par, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 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 Hussainganj P.S. Case no. 297 of 2020 instituted for the offence under Sections 272 and 273 of the IPC and Section 30(a) and 41(i) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 522 litres of IMFL from the house of late Banarsi Sharma and co-accused Rohit Sharma was arrested on spot who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the apprehended co-accused Rohit Sharma before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

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

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Hussainganj P.S. Case no. 297 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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