

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49011 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- FULKAHA District- Araria

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PRADEEP KUMAR @ PRADEEP YADAV S/o Shyam Sundar Yadav
Resident of Village- Laxmipur, P.S.- Fulkaha, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-11-2022 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 Fulkaha P.S. Case no. 47 of 2022 instituted for the offence
under Sections 30(a) and 41(1) of the Bihar Prohibition of
Excise Act.

Prosecution case relates to recovery of 80 litres nepali
liquor from the motorcycle of the petitioner and Bhim Kumar,
who was driving the vehicle was arrested on spot and petitioner
managed to escape.

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. Because of his ownership, he has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended accused Bhim Kumar 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.

Petitioner is directed to deposit Rs. 5,000/- (Rs. Five thousand) in the concerned DLSA.

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 Fulkaha P.S. Case no. 47 of 2022, 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 Exclusive Special Judge, Excise-II, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.



The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 5,000/- (Five thousand only) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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