

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12446 of 2023**

Arising Out of PS. Case No.-53 Year-2020 Thana- FATEHPUR District- Gaya

MANNU YADAV @ MANU YADAV SON OF NAND LAL YADAV R/O
VILL.- TENGAINI, POST- NAUDIHA, JHURANG, P.S.- FATEHPUR,
DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Singh

For the Opposite Party/s : Mr. Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 28-04-2023 Heard the parties.

The petitioner apprehend his arrest in connection with Fatehpur (Gurpa) O.P. P.S. Case No.53 of 2020, registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

Allegedly, 40 liters of country made liquor has been recovered from the *khaprail* home of the petitioner situated near jungle. The allegation against the petitioner is that after seeing police, he fled away from the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled



against the petitioner is not specific rather general and omnibus in nature. There is no recovery from the possession of the petitioner. Petitioner has no concern with the alleged recovery. The recovery has been made from a forest area and it does not belongs to the petitioner. Petitioner has one criminal antecedent of similar nature.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as well considering the fact that the petitioner has one criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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