

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15353 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- VIJAYEPUR District- Gopalganj

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Anil Yadav @ Anil Kumar @ Anil Kumar Yadav S/O Ram Bahal Yadav R/v-
Rudhauri, Adai, Kar Mishripur, P.S.- Malipur, District- Ambedkar Nagar, Uttar
Pradesh Presently residing at village- Fulwariya, P.S.- Ahiraula, District-
Azamgarh, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 307, 353, 279, 337, 338, 414/34 of the Indian Penal Code and Sections 30(a)/41/45 of the Bihar Prohibition and Excise Act, 2016 and Sections 3/4 of the Prevention of Damage to Public Property Act and Sections 11/12 of the Prevention of Cruelty of Animal Act.

The prosecution case, in short, is that the accused persons involved in cow and liquor smuggling and they also injured the police personnel and 9 liters wine is recovered from the truck.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. It is alleged that 9 liters wine is recovered from the truck. The petitioner is the owner of the truck in question. The petitioner had no knowledge regarding the nature of goods booked by the transporter. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar). So far the offence under Section 307 of I.P.C. is concerned, same is not attracted against the petitioner as the accident as alleged is said to have been committed by the driver of the truck in question.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of the Court below/concerned Court in connection with Vijaipur P.S. case No.198 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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