

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25903 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- BHAGWAN BAZAR District- Saran

ARJUN KUMAR YADAV @ ARJUN KUMAR RAI Son of Late Kamaldeo Yadav @ Late Kamla Ray, Resident of Village - Brahmpur, Nai Basti, P.S.- Bhagwan Bazar, District - Chapra, Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with Bhagwan Bazar P.S. Case No. 556 of 2022, dated 26.11.2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 400 litres of *country-made liquor* and a motorcycle and as per allegation this petitioner and co-accused Jitendra Chaudhary indulged in carrying the alleged wine and on seeing the police party, they fled away after leaving the alleged liquor and



motorcycle but in fact the petitioner was admittedly not arrested at the spot of recovery and the basis on which the petitioner was implicated in this case, is a secret information as per FIR but the source of the said information has not been disclosed in the FIR so there is no strong ground or reason to make the petitioner accused in this case. Further submissions are that though, against the petitioner there are criminal antecedents of three cases but he has got bail in two cases of his antecedent and the alleged wine was not recovered from his physical or constructive possession and the petitioner has been languishing in jail since 17.02.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail and submits that against the petitioner there are criminal antecedents of three cases.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the fact that he was not apprehended at the spot and police made the petitioner accused merely on the basis of a secret information as per FIR but there is no detail regarding the source of the said information, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bhagwan Bazar P.S. Case No. 556 of 2022.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

