

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26880 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- BITHAN BAZAR District- Samastipur

RAM ASHISH KUMAR YADAV @ RAMASHISH YADAV S/O LATE
SAKHI YADAV R/O Village- Sihma, P.S- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(1), 32(2), 41(1) of the Bihar Excise Act and Sections 419, 420, 467 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 2190.6 liters of liquor from four vehicles as detailed in the FIR.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner came to be implicated based on



confessional statement of Naresh Yadav in police custody which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent, it is further submitted that petitioner is not the owner of any of the seized vehicles.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bithan P.S. Case No. 164 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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