

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29081 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BELAGANJ District- Gaya

SUBODH KUMAR PRASAD @ SUBODH KUMAR YADAV @ SUBODH YADAV S/o Dwarika Prasad @ Dowrika Yadav @ Dwarik Yadav Resident of village-Birbal Bigha, P.S.-Belaganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 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) (c) (d) and (g) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner has antecedent of one case.

Allegation is of recovery of 10 litres of liquor from Satyendra Yadav along with 3000 litres soaked Mahua from the place of occurrence and one Munna was arrested.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted



that even the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law. It is next submitted that petitioner was implicated because of his antecedent.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Belaganj P.S. Case No. 34 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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