

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31531 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- SAHPUR District- Bhojpur

DADAN YADAV Son of Late Harihar Singh Resident of village - Masarh
Tola Ward No.- 13, P.S.- Udwant Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sahapur Police Station Case No. 115 of 2023 dated 14.03.2023, disclosing offences under Section 414 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police intercepted a Tata Zept vehicle, bearing Registration No. WB11D-3687, and recovered 600 liters of illegal country made liquor from the said vehicle and also arrested one person, namely, Lalu Prasad, who disclosed the name of the petitioner that the petitioner is involved in the trade



of illegal liquor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused person and the vehicle from where illicit liquor has been recovered does not belong to the petitioner, as stated in paragraph-3 of the supplementary affidavit, and no illicit liquor has been recovered from the conscious possession and/or the vehicle belonging to him.

Regards being had to the submission made on behalf of the learned counsel for the parties and taking into consideration the fact that the petitioner is not the owner of the vehicle, his name transpired on the basis of disclosure made by the arrested co-accused person, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Excise Court No. II, Bhojpur at Ara, in connection with Sahapur Police



Station Case No. 115 of 2023, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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