

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33658 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- BARARI District- Bhagalpur

MANISH YADAV Son of Jhoti Yadav Resident of Bari Khanjarpur Nandlal
Mishra Lane, Jhoparpatti, PS- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2023 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 offence punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 11.250 liters of liquor from cowshed of the petitioner and 6.750 liters of liquor from Mithun Yadav.

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 cowshed is an open space and is outside the house and thus is accessible to villagers at large, it is further



submitted that no prudent person would use his own premise for committing a crime and thus would get implicated easily, it is also submitted that meagre amount of liquor was found in the cowshed which amply demonstrates that someone inimical to the petitioner had kept the liquor in the cowshed for falsely implicating the petitioner.

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. 5,000/- (Rupees Five 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 Kotwali (Barari) P.S. Case No. 232 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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