

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37102 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- PHULPARAS District- Madhubani

MAHESH YADAV @ MAHESH KUMAR Son of Rama Yadav @ Ram
Kumar Yadav Resident of Village - Ward No.- 11, Phulparas, P.S.- Phulparas,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Phulparas Police Station Case No. 50 of 2023, dated 01.02.2023, disclosing offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information that illicit liquor has been kept in a Santro car parked near the door of the petitioner, arrived at the place of occurrence and recovered 288 liters of illicit nepali liquor from the said car.

Learned Counsel for the petitioner submits that the petitioner is not the owner of the Santro car as per the statement made in paragraph-10 of the application. He further submits that



he has falsely been implicated in this case on the basis of secret informant. He next submits that petitioner has got no criminal antecedent and he is not concerned with the liquor which has been seized by the police.

Regards being had to the submission made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and he is not the owner of the Santro car, 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 the learned Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Phulparas Police Station Case No. 50 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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