

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38975 of 2023

Arising Out of PS. Case No.-725 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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PRADEEP KUMAR Son of Baldeo Yadav Resident of village - Rampur Lahi,
west, Ward no. 03, P.s - Shankarpur, Distt - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Madhepura Excise P.S. Case No.174 of 2021-22 arising out of
Excise Case No.725/2021, registered for the offence punishable
u/s 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Allegedly 49.5 litres of foreign liquor is said to have been
recovered from the courtyard of the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has not been apprehended on the spot
nor any incriminating article has been recovered from his
conscious physical possession. He has no concern with the



recovery of the illicit liquor or any trade of liquor. The said courtyard is in the joint possession of the petitioner's family and the same is an open courtyard, which is approachable to anyone. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent.

5. Having regard to the facts and circumstances of the case, since the recovery has been made from the house of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

6. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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