

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38669 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

GAJENDRA YADAV, SON OF VINESHWAR YADAV, R/O VILLAGE
NANDLAL BIGHA, P.S. AKBARPUR, DISTRICT NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Excise Case no. 359 of 2022, registered under sections 30(a) and 30(c) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on raid being conducted 42 litres of country made liquor was recovered. While three accused persons were caught, one of them managed to escape. It is further stated that three accused persons who were caught disclosed that it was the petitioner who had escaped.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R itself it would transpire that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. His name transpired in the confessional statement of co-accused made before police. The



petitioner has no concern with the seized liquor and has been falsely implicated in the case. He has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the petitioner not having arrested at the spot, no incriminating article having been recovered from his possession, his name having transpired in the confessional statement of co-accused made before police and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Excise Case no. 359 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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