

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43601 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

BULLET YADAV @ BULLET Son of Sri Nami Yadav @ Nami Resident of
village - Rampur Bangara, P.S.- Tareya Sujana, District - Kushinagar (U.P.).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Yadav, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 2.700 litres of liquor from
Chandrama Sah and 89.400 litres of liquor from two motorcycles as
detailed in the FIR.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the confessional statement of Chandrama Sah in
police custody which does not have any evidentiary value in the eye
of law. It is further submitted that no prudent person would use his



own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is no pleading to the effect that the seized vehicle does not belong to the petitioner.

7. 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kuchaikote P.S. Case No. 124 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify whether the petitioner is the owner of any of the seized vehicle or not and if it is found that the petitioner is the owner of any of the seized vehicle then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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