

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45038 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- DUMRA District- Sitamarhi

BACHCHA PRASAD YADAV S/O LATE KISHORI RAI R/O Village-
Vishwanathpur, P.S- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-07-2023 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 offences punishable under Section 30(a) of the Bihar Excise
Act.
3. Learned counsel for the petitioner submits that the
petitioner is a person with one antecedent and allegation is of
recovery of 18 liters of liquor from the dalan of petitioner and 54
liters of liquor from two four-wheeler vehicle and one motorcycle as
detailed in the FIR.
4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated based on the confessional statement of Dharmendra
Kumar in police custody which does not have any evidentiary value,
it is next submitted that the petitioner being owner of the seized



vehicle came to be implicated, it is further submitted that no prudent person would use his own vehicle for committing a crime and thus would create an evidence against himself and hence would get implicated, it is next submitted that the petitioner was completely unaware that his son would misuse the vehicle in the manner as alleged as he was also arrested from the spot.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dumra P.S. Case No. 230 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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