

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39113 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- YADOPUR District- Gopalganj

ASHISH PRASAD S/O SHYAMJI PRASAD R/O Village- Rupchhap, P.S-
Bishambharpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Yadopur Police Station Case No. 93 of 2023, disclosing offence under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police intercepted a vehicle (Maruti Wagon-R) and recovered 243 liters of illicit country made liquor from the arrested three persons, who disclosed the name of the petitioner and others and their involvement in the trade of illicit liquor.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case merely on the basis of disclosure of his name by the arrested accused persons. He further submits that the petitioner is not the owner of the vehicle from where the illicit country made liquor has been recovered and no illicit liquor has been recovered from the conscious possession of the petitioner and/or from the vehicle belonging to him.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized vehicle does not belong to the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Shyambabu Chauhan, 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 Additional Sessions Judge II -cum- Special Judge, Excise Court I, Gopalganj, in connection with Yadopur Police Station Case No. 93 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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