

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40095 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- FULKAHA District- Araria

Omprakash Yadav, S/O Parmeshwari Yadav R/O Village- Laxmipur, Ward
No.10, Ps. Fulkaha, Distt. Araria-854336

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 4.500 litres of liquor from a motorcycle parked in front of the house of the petitioner and 43.200 litres of liquor from the courtyard of the house of the petitioner.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Sandeep Kumar in police custody, which does not have any evidentiary value. It is next



submitted that even the alleged recovery is a place from where the recovery was made, is the joint family property, as such, it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner. It is further submitted that petitioner is not the owner of the motorcycle either.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Araria in connection with Fulkaha P. S. Case No.41 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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