

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43564 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- KATEYA District- Gopalganj

PREM YADAV @ PREM KUMAR Son of Hari Charan Yadav Resident of
village-Dharam Parsa Mahua Tola, P.S.-Manjhagarh, District-Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Kateya P.S. Case No. 109 of 2023 registered for the offences punishable under Sections 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he along with other police personnel were on patrolling duty and checking of vehicles, one person with a motorcycle was apprehended and disclosed his name as Suhail Khan and in course of search of the motorcycle 12.600 liters foreign wine were recovered from the dicky of the motorcycle.



The informant further alleged that the apprehended accused disclosed the name of the petitioner and said that he was going to deliver the liquor to Prem Yadav.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused from whose motorcycle 12.600 liters foreign liquor was seized.

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

6. Having regard to the facts and circumstances of the case, the name of the petitioner has transpired in the confessional statement of the co-accused and there is no criminal antecedent of the petitioner, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No. 1, Gopalganj, in connection with Kateya P.S. Case No. 109 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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