

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44968 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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SUMIT KUMAR YADAV SON OF SURESH YADAV RESIDENT OF
VILLAGE- SIMRAHA, PS- KUSESHWAR ASTHAN (TILKESHWAR OP),
DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad

For the Opposite Party/s : Mr. Ahmad Ali

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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 Sections 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 38.430 liters of liquor from the general store of the
petitioner.
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, it is next
submitted that the petitioner, because of his antecedent, came to



be implicated, it is further submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the date of occurrence is 10.04.2023 at 5:00 pm and the FIR came to be instituted on 11.04.2023 at 11:00 am which amply demonstrates that the FIR was not instituted promptly which casts aspersion on the case of the prosecution, it is next submitted that even the alleged recovery was not from the store of the petitioner but from a place adjacent to the store of the petitioner, it is also submitted that even the alleged store is a joint family business. It is further submitted that the petitioner came to be implicated based on the secret information which is the easiest way to implicate someone, it is thus submitted that had the liquor been recovered from the store, there was absolutely no occasion for the informant to implicate him based on secret information.

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 Kuseshwar Asthan (Tilkeshwar O.P.) P.S. Case No. 99 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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