

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46492 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- FULKAHA District- Araria

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VIVEK KUMR YADAV @ VIVEK KU. YADAV SON OF BILLO YADAV
RESIDENT OF VILLAGE- MANIKPUR, WARD NO 11, PS- FULKAHA,
DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mrs. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 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 Prohibition and Excise Act, 2016 and Section 25 (1-b)a/26 of the Arms Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 1.5 liters of Nepali liquor and one country made pistol and three live cartridges is said to have been recovered from the place of occurrence. A mobile was also seized from the place of occurrence and the SIM is in the name of the petitioner and on



that basis he has been made accused in this case. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. Petitioner has three criminal antecedents under the Excise Act as mentioned in para-3 of this application.

4. Having regard to the facts and circumstances of the case, recovery of arms and three criminal antecedents of similar nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail.

5. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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