

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46837 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- HARNAUT District- Nalanda

ADHEER YADAV Son of Sita Yadav @ Sita Prasad Resident of village -
Falhanwan, P.S. - Harnaut, Distt. - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Harnaut P.S. Case No. 84 of 2023 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, there is alleged recovery of 687.240 litre foreign liquor from the Pick-Up van in question. It is further alleged that two persons were apprehended on the spot and they disclosed that the said liquor was being brought by petitioner and other.

4. Learned counsel for the petitioner submits that petitioner is not present at the place of occurrence. He further submits that apprehended co-accused persons disclosed the



name of present petitioner. Except disclosure, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner has no concern either with seized pick up van or with recovered alleged liquor. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case which is not similar to the present case. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II cum Special Judge (Excise) Nalanda at Bihar Sharif in



connection with Harnaut P.S. Case No. 84 of 2023, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

