

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49731 of 2023**

Arising Out of PS. Case No.-39 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Avadhesh Kumar Yadav @ Avadhesh Yadav (Male) aged about 30 years, Son of Mohan Yadav, Resident of Village-Bikramrahi, P.S.-Ghoghardiha, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate  
For the State : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      11-08-2023                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bhairavshthan P.S. Case No. 39 of 2023 dated 23.03.2023 instituted under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total 255.750 liters foreign liquor and mobile were recovered from the vehicle and co-accused Raman Singh disclosed that the liquor was brought from the petitioner and was going to deliver to co-accused Hare Krishan Singh.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case. There is no recovery from the possession of the petitioner and the name of the petitioner has transpired in the confessional statement of co-accused Raman Singh. Learned counsel further submits that the similarly situated co-accused namely, Hare Krishna Singh @ Hare Kishan Singh has been granted Anticipatory Bail by a co-ordinate Bench of this Court vide order dated 28.07.2023 in Cr. Misc. No. 41265 of 2023. The petitioner has no criminal antecedent.

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

6. In view of the submission of learned counsel for the petitioner that there is no recovery from the possession of the petitioner; the petitioner has no criminal antecedent and considering that similarly situated co-accused has been granted bail, this Court directs that in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, District- Madhubani in Bhairavshthan P.S. Case No. 39 of 2023, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973.

**(Sunil Dutta Mishra, J)**

P. Kumar

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