

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53255 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- BIHIA District- Bhojpur

Ajay Yadav, aged about 28 years, Male, Son of Suman Yadav Resident of
Village- Benwalia PS- Bihiya District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the State : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Bihiya P.S. Case No. 75 of 2023 dated 26.03.2023
instituted under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, there is total recovery
of 50 litres of country made liquor from the bank of the river.
The allegation is that six persons were succeeded in fleeing
away from the spot and the *Chowkidar* disclosed their names,
including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. There is no recovery from the possession of the petitioner



and petitioner has no concern with the alleged recovery of the liquor. The petitioner has no criminal antecedent.

5. 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 and submissions of learned counsel for the parties, in the event of 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 Exclusive Judge, Excise, Court No. I, Bhojpur, Arrah in Bihiya P.S. Case No. 75 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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