

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52314 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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LALBABU YADAV @ LALBABU KUMAR YADAV Son of Haresh Yadav
R/o Vill-Rajwahi, P.S.-Malahi, District-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwary, Advocate.
For the Opposite Party/s : Mrs. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Suraj Kumar Tiwary, learned counsel

appearing on behalf of the petitioner and Mrs. Sucheta Yadav,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Govindganj (Malahi) P.S. Case No. 319 of 2023 registered
for the offence punishable under Section 414 of the Indian Penal
Code and Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the allegation made in the F.I.R., altogether
337.800 litres of Indian made foreign Liquor was recovered
from three vehicles, two cars bearing registration nos. DL-
3CBC 3369 and BR-01-PB-4370 and a motorcycle bearing
registration no. BR-22-AF-2097.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent. He further submits that the vehicles from which recovery was made do not belong to the petitioner. Petitioner is not involved in alleged incidence in any manner. Due to enmity, his named has been taken by co-accused Kamlesh Yadav. Petitioner has been falsely implicated in this case because the petitioner has earlier been made accused in two cases under Excise Act and he is on bail in both the cases.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. She has submitted that the petitioner is a habitual offender.

6. Considering the nature of allegation and the fact that the name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused Kamlesh Yadav which has no evidentiary value in the eye of law, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Civil Court, East Champaran at Motihari in



connection with Govindganj (Malahi) P.S. Case No. 319 of
2023, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Purnendu Singh, J)

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