

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54414 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- WAJIRGANJ District- Gaya

Karan Yadav @ Karan Kumar @ Chotu Son Of Sadhu Yadav Resident Of
Village- Kannaudi, Ps- Wazirganj, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Wazirganj P.S. Case No. 166 of 2023 registered for the
offences punishable under Sections 30(a)(b) and 45 of the Bihar
Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of recovery
of 35 litres of liquor from a motorcycle, seven kg of yeast and two
kg of ammonium chloride from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated being owner of the seized motorcycle, it is further
submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would get implicated by creating evidence against himself, it is also submitted that the yeast and ammonium chloride which is alleged to have been recovered from his house has several uses and it cannot be alleged that the same was kept for preparing liquor, it is further submitted that the house is a joint family property as such it cannot be alleged with certainty that it was the petitioner who had kept the articles in the house or the articles kept in the house was within his knowledge.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Wazirganj P.S. Case No. 166 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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