

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57011 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- YADOPUR District- Gopalganj

BALJEET KUMAR @ BALJEET SON OF SURENDRA GOND @ SURENDRA SAH RESIDENT OF VILLAGE- AWADH NAGAR, BABUBISHUNPUR, PS- YADAVPUR, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesb Raj, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-09-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner apprehends his arrest in connection with Yadopur P.S. Case No.211 of 2022 dated 04.12.2022 registered for the offence/s punishable under Section/s 30(a) of Bihar Prohibition Excise Amendment Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is a young person aged about 22 years having fair and clean antecedent, in fact on the alleged day of recovery of country-made liquor he was in Rajasthan and he has been falsely implicated in this matter due to a dispute running in between the family of this petitioner and family of co-accused Akash Kumar who was apprehended at the spot with the alleged liquor. Further submissions are that the petitioner is not the owner of the alleged motorcycle and he has been dragged mainly on account of disclosure made by co-accused



Akash Kumar which has no evidentiary value except this there is no material against him to connect him to the alleged offence of the Excise Act which does not even prima facie attract against this petitioner hence his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent as well as his young age and also the fact that in respect of petitioner's involvement in the alleged crime the prosecution is mainly relying upon the disclosure made by the apprehended co-accused, in my opinion, in the said circumstances petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Yadopur P.S. Case No.211 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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