

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54456 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- YADOPUR District- Gopalganj

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Mukesh Kumar Yadav @ Mukesh Yadav son of Sadhu Yadav @ Om Prakash
Yadav Village- Bhagwanpur Ps- Nautan Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) & 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, the total recovery of 1230.400 liter of country made liquor has alleged to be made, is the subject matter of the present case.

4. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the alleged recovery has not been made from the conscious possession of the petitioner, rather the recovery has been made from a boat at the bank of a river which is an open place. Counsel further submits that the petitioner is named in the F.I.R., but only on the basis of suspicion. Moreover, there is

gross violation of Section 100(6) of the Cr.P.C. in preparing the seizure list.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner is named in the F.I.R. as a person who flee away from the place of recovery on seeing the police.

6. In the facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Jadopur P.S. Case No. 115 of 2023 to the satisfaction of learned Addl. District & Sessions Judge- II -cum- Special Excise Court No.-1, Gopalganj.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks and seeks regular bail.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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