

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53720 of 2023**

Arising Out of PS. Case No.-679 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Siwan

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1. ANUP YADAV Son of Late Bhim Yadav @ Bhimkeshari Yadav R/o Village-Hathauji, P.S.-Nautan, District-Siwan
  2. ABHISHEK YADAV Son of Late Bhim Yadav @ Bhimkeshari Yadav R/o Village-Hathauji, P.S.-Nautan, District-Siwan

... .. 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.Umanath Mishra, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      19-08-2023      Heard the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2, submitting that during pendency of this application petitioner no.2 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.2 only.

5. Now this application survives for petitioner no.1.

6. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

7. Altogether 235 litres of I.M.F.L. has been recovered from six plastic sakes which was hidden in the bush. Seeing the



police, all the accused persons fled away from the spot. The local Choukidar disclosed the name of the accused persons.

8. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 235 liters of illicit liquor is said to have been recovered from the bush which is an open place. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the statement of the local Choukidar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

9. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

10. Having regard to the facts and circumstances of the



case, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Excise P.S. Case No. 679 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

11. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

12. Accordingly, this application stands partly allowed.

**(Anjani Kumar Sharan, J)**

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