

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59080 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- DURAULI District- Siwan

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Bharat Yadav S/O Late Sacha Yadav R/O Village- Katwar, P.S- Asawn,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Darauli P.S. Case No. 176 of 2023 instituted under Sections 414 and 279 of the Indian Penal Code and Sections 30 (a) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 163 litres country made liquor recovered from motorcycles of the accused persons and 61.2 litres liquor was recovered from the seized Scorpio.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Petitioner has no concern with the said recovered liquor. Petitioner is the owner of one of the motorcycle which had given to co-accused Vishwakarma Sah in good faith who was arrested with 36 litres



liquor on the motorcycle. Petitioner has no concern with the seized liquor. There is no recovery from the conscious possession of the petitioner, he was not present at the place of occurrence. Petitioner has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. I, Siwan in connection with Darauli P.S. Case No. 176 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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