

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64048 of 2023

Arising Out of PS. Case No.-150 Year-2022 Thana- MADHEPUR District- Madhubani

PAPPU KUMAR YADAV @ PAPPU YADAV @ PAPPU KUMAR S/O
KIRTAN YADAV R/O VILLAGE- TETARI, P.O.-TARWARA, PS.
JAMALPUR, DIST. DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-10-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Madhepur PS case no. 150 of 2022, disclosing offences punishable under Section 414 and other allied sections of the Indian Penal Code and Section 30(a), 47 of Bihar Prohibition and Excise Act, 2018.
3. As per the First Information Report, the police party got secret information that near graveyard, in the orchard, some persons have assembled and were indulged in trading of illicit liquor. The police party on such information proceeded towards the place of occurrence. Upon seeing police party, 6-7 persons standing there, started fleeing away, however the police



apprehended two of them, who disclosed their names as Kunwar Kant @ Kaila and Vivek Kr. Sah. Upon search, police recovered total 123 liters of illicit liquor from Maruti Suzuki Alto Car and some motorcycles etc. The arrested accused persons disclosed the names of some of the accused persons.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused in this case merely because his motorcycle was found near the place of occurrence, from where, 27 liters of illicit liquor has been recovered. It is further submitted that arrested accused persons did not disclose the name of the petitioner, who fled away from place of occurrence. It is next submitted that motorcycle of the petitioner was borrowed by his friend for purchasing medicines and petitioner was not aware about the illicit liquor being kept in the motorcycle by his friend. Petitioner is stated to be having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioner's motorcycle was borrowed by his friend as also the fact that the petitioner is having a clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner.



6. This application is, accordingly, allowed.
7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in connection with Madhepur PS case no. 150 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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