

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60662 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Munchun Yadav @ Avinash Kumar, S/O Late Sona Yadav, R/O Village-
Gulabbagh, Ps. Barh, Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending her arrest in connection with Special Excise Case No. 2061 of 2023 arising out of Rail Bakhtiyarpur (Barh) P.S. Case No. 10 of 2023, registered for the offences under Sections 147, 148, 149, 353, 307, 120B, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, a gang of liquor smuggler stopped the train at the secluded place and started unloading illicit liquor. When the police party intervened, it was attacked and caused injuries to the police personnel and the smugglers



fled away with their liquor. The name of the petitioner and co-accused Uday Yadav came up in this case as the persons who have been running a gang for smuggling illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Gautam Kumar. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. No offence under the provisions of Excise Act is made out against the petitioner. The petitioner never indulged in smuggling of illicit liquor. The petitioner is accused in three cases of similar nature but he is on bail in all such cases.

5. Learned APP opposes the prayer for bail submitting that the petitioner is accused in three cases of Excise Act. Learned APP further submits that when the police party tried to apprehend the liquor smugglers, they attacked the police party and fled away with the illicit liquor. Learned APP further submits that the petitioner was also named by co-accused and he has been running a gang of persons indulging in smuggling of illicit liquor.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation and also considering the criminal antecedent of the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

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

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and seek regular bail, the learned court below will consider his prayer on its own merit without being prejudiced by this order.

(Arun Kumar Jha, J)

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