

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60991 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- LAUKAHI District- Madhubani

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DIGAMBAR PRASAD YADAV @ DIGAMBAR YADAV SON OF YASHO
LAL YADAV RESIDENT OF VILLAGE- GOT NARHIYA, WARD NO. 02,
PS- NARHIYA OP (LAUKAHI) DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Laukahi P.S. Case No. 38 of 2023 dated 12.02.2023, instituted
for the offence punishable under Sections 279, 353, 307, 427,
272, 273 and 34 of the Indian Penal Code and Section 30 (a) of
Bihar Prohibition and Excise Act, 2016.

3. Allegation is of recovery of 108 litres illicit Nepali
liquor kept near Brick kiln (*Chimney Bhatta*) on NH-104.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that only on the basis of suspicion
and assumption the petitioner has been made accused in this
case. It is submitted that the petitioner was never indulged in
any type of such cases. It is apparent from the F.I.R. that country



made Nepali liquor has not been seized from the Scorpio or any vehicle. The petitioner is the owner of the Scorpio vehicle bearing Registration No. BR-07-PC-3170 from which it is alleged that the said liquor was thrown out. It is submitted that the said vehicle was not seized at the time of said occurrence. It is also submitted that petitioner is a Government school teacher. Lastly, it has been submitted that he no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Laukahi P.S. Case No. 38 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Dist.-Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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