

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62378 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- MANJHI District- Saran

1. Pappu Kumar Yadav S/O Tejnarayan Yadav R/O Village- Gauri, Ps. Manjhi, Dist. Saran
2. Deepak Kumar Yadav @ Deepak Yadav S/O Tejnarayan Yadav R/O Village- Gauri, Ps. Manjhi, Dist. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 At the outset, learned counsel for the petitioner submits that the petitioner no.2, namely, Deepak Kumar Yadav @ Deepak Yadav has already been arrested hence this application on his behalf has become infructuous. Now the application survives only in respect of Pappu Kumar Yadav (petitioner no.1).

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner in the present case is seeking pre-arrest bail in connection with Manjhi P.S. Case No. 157 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. He has got no criminal



antecedent.

4. As per the prosecution story, on 23.05.2023, police on a secret information reached Gauri village where two persons on seeing the police started fleeing away. Upon search, 32.400 litres liquor was recovered from the bank of canal kept hidden in a plastic bag.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery of liquor has been made from the bank of a canal which is an open place and is accessible to public at large as such it cannot be alleged that the said liquor was kept by the petitioner. No recovery is from the conscious possession of the petitioner.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the facts and circumstances of the case wherein it appears that the alleged recovery is from the bank of a canal which is a lonely place and the same cannot be said to be in exclusive possession of petitioner no.1, petitioner no.1 has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner no.1 above named



be released on bail in connection with Manjhi P.S. Case No. 157 of 2023 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 2nd Exclusive Special Excise Judge, Saran at Chhapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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