

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69335 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- Excise P.S. District- Madhepura

ABHIMANYU KUMAR YADAV @ ABHIMANYU KUMAR SON OF
BRAHAMDEO YADAV RESIDENT OF VILLAGE - GAWALPARA WARD
NO.06, POLICE STATION - GAWALPARA, DISTRICT - MADHEPURA
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Udakishunganj Excise P.S. Case No. 106/ 2023 dated
03/08/2023 registered for the offence(s) punishable under
Section(s) 30(a) and 44(i) of Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that as per seizure list, the alleged
foreign liquor is said to have been recovered from the physical
possession of apprehended co-accused, namely, Swaraj Kumar
and as per FIR, the said accused attempted to flee from the
house of this petitioner on seeing the police party and the place
of occurrence is said to be the house of this petitioner but as per
seizure list, the petitioner's house has not been shown as the



place of recovery and simply the petitioner's village name has been mentioned so, regarding the place of recovery vague statement has been made in the seizure memo and in view of these facts, the alleged offence of Excise Act does not even prima facie attract against this petitioner hence, his prayer for anticipatory bail is maintainable. Further submission is that petitioner has got clean antecedent.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions, this court is of the opinion that petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Udakishunganj Excise P.S. Case No. 106/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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