

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73071 of 2022

Arising Out of PS. Case No.-239 Year-2022 Thana- MANJHAGARH District- Gopalganj

BULLET YADAV @ BULLET KUMAR YADAV S/O CHHOTE LAL
YADAV Resident of village- Koini Bazar Tolla @ Koini Bazar New Tolla,
P.S.- Manjhgarah, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah,Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

The Prosecution story, in short, is that on the basis of
secret information, when police party reached behind the
Ramjanki Temple, saw a person on a motorcycle is standing
with gunny bag. On seeing the police, he began to flee leaving
the motorcycle and gunny bag. Police tried to apprehend him
but petitioner managed to escape by taking advantage of
darkness. Thereafter, during the course of search, total 75.0
litres Banti Babli country made liquor has been recovered from



the gunny bag on the motorcycle without registration number.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. Petitioner has been falsely implicated in this case at the instance of his enemy. There is violation of Section 100 Cr.P.C. He was not apprehended on the spot. Petitioner is neither owner nor driver of the seized motorcycle. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below where the case is pending/successor Court in connection with Manjhagarh P.S. Case No. 239 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in PM Cares fund.

(Anjani Kumar Sharan, J)

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