

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66992 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- AKBARPUR District- Nawada

Sunil Yadav @ Sunil Kumar @ Sunil Kumar Yadav, age 47 years, Male, Son of Prasadi Yadav, R/o vill - Pasiyakala, P.S. - Akbarpur, Distt. - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs.Rina Sinha and Mr. Dhirendra Prasad Sinha, Advocates
For the Opposite Party	:	Mr.Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Akbarpur P.S. Case No. 320 of 2023 dated 03.07.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. As per the prosecution case, total 08 litres of country made liquor was recovered from the courtyard of the petitioner.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case due to dirty village politics. The alleged recovery of liquor was made from the joint house of the petitioner where the petitioner resides with his family members but without calling any member of his family, the informant entered the house of the petitioner. There is no compliance of Section 100 of Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner as the courtyard is open assecible to anyone.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada, in connection with Akbarpur P.S. Case No. 320 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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