

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70156 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- PHULPARAS District- Madhubani

RAHUL KUMAR YADAV @ RAHUL YADAV @ RAHUL KUMAR SON
OF NIRMAL YADAV RESIDENT OF VILLAGE- KISNIPATTI, PS-
GHOGHARDIHA, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Nand Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-11-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 250 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. As per prosecution case, there is alleged recovery of total 252 litre foreign liquor from the two four-wheeler vehicles in question. It is further alleged that apprehended co-accused Brahamdev Kamat disclosed the name of petitioner and others who fled away from the place of occurrence.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that petitioner was not present at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner is not the owner of the alleged seized vehicles. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur District- Madhubani in connection with



Phulparas P.S. Case No. 250 of 2023, G.R. No. 310 of 2023
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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