

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70103 of 2023

Arising Out of PS. Case No.-421 Year-2023 Thana- BARUN District- Aurangabad

Sagun Yadav @ Rakesh Kumar S/o Rajkeshwar Singh R/o Village Khaira,
P.S. Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Barun P.S. Case No. 421 of 2023 registered for the offence punishable under Section 30(a) of Bihar Excise Prohibition and Amendment Act, 2018.

As per prosecution case, 4 litre beer was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner has inimical term with the local chowkidar who has falsely implicated the petitioner in the present case. Petitioner was not present on the spot. No incriminating article has been recovered from conscious possession of the petitioner.



The alleged recovery has been made from joint house of the petitioner and portion of the house where recovery was made does not belong to the petitioner rather the same was in possession of other co-sharer of the petitioner. Petitioner bears criminal antecedent of one case in which he is on bail. Petitioner has nothing to do with the alleged recovery in question. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

Considering the facts and circumstances of the case, 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-1, Aurangabad in connection with Barun P.S. Case No. 421 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The application stands allowed.

(Alok Kumar Pandey, J)

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