

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71386 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

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AJEET YADAV, Sex- M, age about 34 years, SON OF GANGA YADAV
RESIDENT OF VILLAGE - GOBARAHI, POLICE STATION -
JAYNAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Bhavesh Kumar Sah, learned counsel

appearing on behalf of the petitioner and Mr. Ashok Kumar

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jaynagar P.S. Case No. 174 of 2023 dated 28.04.2023
registered for the offence(s) punishable under Sections 272, 273,
414, 34 of the Indian Penal Code, Sections 30(a), 41 of the
Bihar Prohibition and Excise Act and Sections 25(1-b)a/26 and
35 of the Arms Act.

3. As per the allegation made in the FIR, 900 litres
of illicit Nepali liquor was recovered from a pickup van and
373.125 litres of Nepali liquor was recovered from a Scorpio
vehicle. Further allegation is that one loaded pistol and one live



cartridge were also recovered from the possession of co-accused Durgehs Kumar Yadav.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and petitioner has no connection either with the seized vehicles or with the alleged recovered liquor. It is lastly submitted that the petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the facts that petitioner has clean antecedent and recovery of illicit liquor has not been made from the conscious possession of the petitioner, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 174 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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