

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68952 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- DEV District- Aurangabad

RAVI KUMAR YADAV @ RAVI YADAV S/O LALLAN YADAV @
LALAN KUMAR VILLAGE- GANDHI NAGAR, PS. AURANGABAD
TOWN, DIST. AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Adv.

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Deo P.S. Case No. 63/ 2021 dated 25/07/2021 registered
for the offence(s) punishable under Section(s) 30(a) of Bihar
Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 64.5 litres of country made liquor from two
motor cycles and as per FIR, one co-accused, Om Prakash was
apprehended with the alleged liquor on the spot and this
petitioner has been made accused mainly on account of the
disclosure made by the apprehended co-accused but the said



statement is not admissible in the eyes of law and except this, there is no material to connect him to the offence of recovery of alleged liquor. Further submission is that petitioner has no criminal antecedent and has no connection to the seized motorcycles as such the offence of Excise Act does not even prima facie attract against this petitioner.

4. Though, learned APP appearing for the State has opposed the bail prayer but fairly accepts that only material against this petitioner is confessional statement of co-accused made before the police.

5. Considering the above submissions and mainly the fact, that in respect of the petitioner's involvement in the alleged offence, prosecution is mainly relying upon the statement of apprehended co-accused person and the petitioner has got no criminal antecedent, in my opinion, in the said circumstances, petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Deo P.S. Case No. 63/ 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject



to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Shailendra Singh, J)

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