

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70127 of 2023**

Arising Out of PS. Case No.-22 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

Pankaj Kumar Yadav@Pankaj Yadav Son of Shiv Prasad Yadav Resident of
Village - Fatahpur Yadav Tola, Ps- Industrial Area, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

**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.

2. The petitioner is apprehending his arrest in connection with Industrial Area P.S. Case No. 22/2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, there is alleged recovery of 12 liters country made liquor from the *Bansbhitti* (Bamboo orchard) of Ram Yadav and local Choukidar disclosed the name of petitioner 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 due to



dirty village politics. The petitioner bears no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was neither apprehended on the spot nor was concerned with the place of occurrence. He further submits that the seizure list has not been prepared as per the law. He further submits that in the light of the aforementioned facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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 Additional District and Sessions Judge-IX cum Special Judge (Excise-1),



Bhagalpur in connection with ndustrial Area P.S. Case No.
22/2023, 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)

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