

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71268 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

KEDAR NATH YADAV Son of Ram Bilas Yadav R/o vill - Khushahalpur,
P.s. - Ara Muffasil, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Ara Mufassil (Dhobaha O.P.) Police Station Case No. 113 of 2023, disclosing offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police got a secret information that two persons were carrying illicit liquor on a motorcycle, intercepted one black-coloured motorcycle and arrested two persons, who were present on the motorcycle and recovered 5.4 litres of illicit liquor kept in a black bag.
4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner



alleged and he has falsely been implicated in this case on the basis of the fact that the petitioner is the registered owner of the seized motorcycle. He further submits that co-accused Akash Kumar, who has been arrested at the spot, is the son of the petitioner and his son was riding the motorcycle on the alleged date of occurrence. He next submits that the petitioner has got no criminal antecedent.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, illicit liquor has not been recovered from the conscious possession of the petitioner and the motorcycle owned by the petitioner was being driven by his son on the alleged date of occurrence, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur, at Ara, in



connection with Ara Mufassil (Dhobaha O.P.) Police Station Case No. 113 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

