

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72303 of 2023

Arising Out of PS. Case No.-406 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Amrendra Yadav, aged about 33 years, Male, Son Of Shankar Chaudhary,
Resident Of Village- Isar Patti, P.S.- Bishwambharpur, District- Gopalganj,
Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party : Mrs. Pushpa Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-11-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Kuchaikote P.S. Case No. 406 of 2023 dated
03.08.2023 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018 and under Sections 170, 384, 385, 420 and 34 of the I.P.C.

4. As per the prosecution case, during the course of
search, total 125.400 litres of country made liquor was
recovered from four gunny bags loaded on four motorcycles.



Police also apprehended one accused Rajan Kumar on the spot who disclosed that he and the fled persons disguised themselves as policemen and snatched the Motorcycle, Mobile phone and liquor from a liquor trader and demanded Rs. 15,000/- through Phone Pe Mobile No. 9113112622 to release the person and they were going to sell the seized liquor.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has been made accused in the present case only on the basis of disclosure made by the apprehended co-accused person. There is no compliance of Section 100 of Cr.P.C. The only allegation against the petitioner is that he fled away from the place of occurrence. The seized Motorcycles do not belong to the petitioner. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Kuchaikote P.S. Case No. 406 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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