

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73011 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- Excise P.S. District- Madhubani

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Ramesh Kumar Yadav, S/o- Shaini Yadav Village Bharha Manth Tol Ward No
10 Ps Phulparas District Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Jhanjharpur Excise P.S. Case No. 67 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amend) Act, 2018.

As per prosecution case, informant and other officials seized 259.200 litre Nepali liquor from the husk store of the petitioner.

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. He further submits that nothing has been recovered from conscious possession of the petitioner. The alleged recovery has been made from husk store of petitioner which is an open place and same is accessible to all. Petitioner has nothing to do with the alleged recovery. Petitioner was not present at the place of occurrence. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Special Judge (Excise



Act), Jhanjharpur, Madhubani in connection with Jhanjharpur
Excise P.S. Case No. 67 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

This application stands allowed.

(Alok Kumar Pandey, J)

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