

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71566 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- JADOPUR District- Gopalganj

Abhimanu Kumar Yadav, Son of Singhaldeep Chaudhary, Resident of Village
- Jagiri Tola, P.S.- Jadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 Matters are being taken up through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Jadopur
P.S. Case No.163 of 2022 registered for the offence punishable
under Section 30(a)/41 of the Bihar Prohibition and Excise
(Amendment) Act, 2018 and Sections 25(1-b)a, 26 and 35 of the
Arms Act.

Illicit liquor was being unloaded from a boat near
Gandak river, as per secret information received by the
informant-patrolling party. They have reached the place from
where five persons were trying to flee away. Four persons have
been apprehended and one has fled away. The petitioner is one
amongst the apprehended persons. From the boat, there is



alleged recovery of 146.88 litres illicit liquor and from the petitioner, there is recovery of country-made pistol.

Learned counsel for the petitioner submits that it is a case of false implication. Even as per F.I.R., illicit liquor has been recovered from the boat. The petitioner was arrested on suspicion, because he was near the place of recovery. Recovery of arms is not in accordance with Section 100 Cr.P.C. Having no antecedents, it is stated that he is in custody since 16.09.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of allegations, period of custody, his clean antecedents and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, 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 the learned ADJ-II-Cum-Excise Court No.1, Gopalganj, in connection with Jadopur P.S. Case No.163 of 2022, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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