

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78760 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- KOTWA District- East Champaran

Pramod Yadav S/O Ramagya Yadav Resident Of Village- Bhopatpur,
Kanhaiya Mor P.S.- Kotwa Bhopatpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.I, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a)(b)(c), 32 and 41(i) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 6 liters of country made liquor, 36 packets of Nausadar, 7 kgs of Urea and other materials are said to have recovered from the hut of the petitioner. He submits that allegation against the petitioner is that he along with other co-accused selling illicit liquor and managed to ran away from the place of occurrence. He submits that there is no recovery made from the conscious possession of the petitioner. He further



submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the said recovery is made from the hut of the petitioner. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the recovery is made from the hut of the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 298 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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