

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8032 of 2024

Arising Out of PS. Case No.-576 Year-2022 Thana- WAJIRGANJ District- Gaya

JITENDER YADAV @ JITENDER KUMAR S/O UPENDRA PRSAD @
UPENDRA YADAV R/O VILLAGE- BAHADURPUR, P.S- SIRDALA,
DISTT.- NAWADA, PIN- 805127.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
45 of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 50 litres of liquor from
a motorcycle and 260 litres of liquor from a pick-up van.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the confessional statement of co-accused,
namely, Prince Kumar in police custody which does not have



any evidentiary value in the eye of law. It is further submitted that petitioner was completely unaware that Prince Kumar would misuse the vehicle of the petitioner in the manner as alleged in the FIR. It is next submitted that though there is no recovery of liquor from the Bolero vehicle of the petitioner but then the informant alleges that Prince Kumar was giving direction to the pick-up van which was carrying liquor.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Wazirganj P.S. Case No. 576 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

