

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14389 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- FULKAHA District- Araria

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Amar Yadav @ Amar Kumar Yadav @ Amar Kumar S/o Sudhir Yadav @
Sudhir Prasad Yadav R/o Village- Mirdaul, ward no.11, P.S.- Narpatganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner prays for and is
permitted to make necessary correction in Paragraph No. 16 of
the present bail application during course of the day.

3. The petitioner seeks bail in Fulkaha P.S. Case No.
194 of 2023, instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that, 64 liters
liquor was recovered from motorcycle in possession of the co-
accused who was arrested on spot.

5. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. No



incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that petitioner is not owner of the seized motorcycle and his name has transpired from the confessional statement of co-accused person. The petitioner is in custody since 18.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fulkaha P.S. Case No. 194 of 2023.

(Rudra Prakash Mishra, J)

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