

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21229 of 2024**

Arising Out of PS. Case No.-546 Year-2023 Thana- AKBARPUR District- Nawada

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DINESH YADAV S/O- CHAMRU BHAGAT R/O- VILLAGE-
LOHSINGHNA, P.S.- AKBARPUR, DIST.- NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Surendra Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 28-03-2024 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 30(d) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of seven cases and allegation is of recovery of 217 liters of liquor and 3999 liters of fermented Jawa Mahua from a place near the forest area.
4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged recovery is from a place which is accessible to public at large and does not belong to the petitioner. It is next submitted that he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term. It is further submitted that in majority



of the cases police is implicating accused persons at the instance of *Chowkidar* in order to save the real culprits. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 35,000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Akbarpur P.S. Case No. 546 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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