

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22339 of 2024**

Arising Out of PS. Case No.-517 Year-2023 Thana- FATEHPUR District- Gaya

Pawan Kumar Son Of Late Kapildeo Prasad Yadav @ Kapildev Kumar  
Resident Of Village - Hardat Bigha, Police Station - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      26-04-2024                      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) of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to  
  
recovery of total 50 liters country made liquor from  
  
house of the petitioner.

4. Learned counsel appearing on behalf of the  
  
petitioner has submitted that petitioner is innocent and  
  
he has falsely been implicated in this case. The  
  
petitioner was not apprehended from the spot. Nothing



incriminating has been recovered from the conscious possession of the petitioner. The petitioner was implicated in this case only because he is the son of Karuna Devi who was apprehended by the police selling liquor in her house, who has been granted bail vide order dated 08.09.2023 passed in Cr. Misc. No. 59629 of 2023. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail in connection with Fatehpur P.S. Case No. 517 of 2023 on furnishing bail bond of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. IV, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

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