

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26584 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- Excise P.S. District- Madhubani

Rohit Kumar Yadav, Male, aged about 21 years, son of Binod Yadav, R/O
Vill- Narahiya, Ward No. 13, Laukahi, Dist- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jhanjharpur Excise P.S. Case No. 123 of 2023 giving rise to G.O. No. 741 of 2023 dated 11.11.2023 registered for the offences punishable under Sections 30(a), 32(i) and 32(iii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 198 litres of Nepali liquor was recovered from two motorcycles in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the possession of the petitioner. The name of the petitioner has



sprung up in the present case on the basis of the confessional statement of the co-accused Chandan Kumar. The petitioner is not the owner of the motorcycles in question. There is no compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Jhanjharpur, Madhubani in connection with Jhanjharpur Excise P.S. Case No. 123 of 2023, giving rise to G.O. No. 741 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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