

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27191 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- FATEHPUR District- Gaya

1. Pradip Yadav @ Pradip Kumar Son Of Bhuneshwar Yadav R/O Village- Bagai, P.S.- Fatehpur, District- Gaya
2. Ranjeet Yadav @ Ranjeet Kumar Son Of Badho Yadav @ Harinandan Prasad Yadav @ Harinandan Yadav R/O Village- Bagai, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 450 litres of liquor from four motorcycles as detailed in the F.I.R. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner no.1 came to be implicated based on the fact that he is owner of one of the



seized motorcycles. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that Pradip was completely unaware that Chhotelal Yadav would misuse his vehicle in the manner as alleged, who was also apprehended from the spot. It is next submitted that Ranjit Yadav (petitioner no.2) is not the owner of any of the seized motorcycles and he came to be implicated based on confessional statement of Chhotelal Yadav in police custody, which does not have any evidentiary value, when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Fatehpur P.S. Case No.91/2022, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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