

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28558 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- BENIPATTI District- Madhubani

Abhishek Kumar @ Abhishek Kumar Yadav Son of Umesh Yadav @ Mahesh Yadav Resident of Village- Raima, Ward No. 11, P.S.- Saharghat, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 1440 litres illicit liquor from a vehicle and co-accused Shambhu Ram was arrested on spot and petitioner managed to escape.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in



the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The case of the petitioner stands on better footing to that of the co-accused who was arrested on spot and has already been enlarged on bail by this Court vide order dated 12.5.2023 passed in Cr. Misc. No. 17430 of 2023. Petitioner is languishing in judicial custody since 29.2.2024.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 11 of 2023.

(Sunil Kumar Panwar, J)

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