

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31855 of 2024**

Arising Out of PS. Case No.-54 Year-2024 Thana- KASBA District- Purnia

Ajay Kumar Yadav @ Ajay Kumar, Male, aged about 25 years, Son of  
Shashikant Yadav @ Shashi Kant Yadav, Resident of Mohni, P.S.- Kasba,  
District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Md Fazle Karim, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary, A.P.P.

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

ORAL ORDER

2      22-05-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kasba P.S. Case No. 54 of 2024 dated 26.02.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 74.955 litres of wine is said to have been recovered from the bamboo orchard located behind the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no



concern with the alleged recovery of wine. No incriminating article has been recovered from possession of the petitioner. The petitioner was not arrested on the spot. His name has sprung up in the present case on the basis of disclosure made by the local *Chowkidar*. There is no compliance of Section 100 of the Cr.P.C. The petitioner has one criminal antecedent in which he is on bail 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 Exclusive Special Judge, Excise, Court No. 1, Purnea, in connection with Kasba P.S. Case No. 54 of 2024, 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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