

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35207 of 2024

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

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Dinesh Yadav Son of Indradev Yadav R/o Village - Ambatari, P.O.- Parsatari,
P.S.- Chauparan, District - Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2024 Heard Mr. Panchanand Kumar, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Fatehpur P.S. Case No. 91 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

3. In course of vehicle checking, the police
intercepted four motorcycles however, noticing the police
parties, some of the motorcycle riders succeeded in fleeing
away. One of the apprehended co-accused disclosed the name of
the petitioner. On search, 16.50 litres of IMFL and 24 liters of
cane beer were recovered. It is also alleged that there is recovery
of 450 litres of country made mahua wine.



4. Learned counsel appearing on behalf of the petitioner submits that barring the disclosure made by the apprehended person there is no material suggesting the complicity of the petitioner. The petitioner has neither any concern with the motorcycles which were seized by the police personnel nor with the alleged recovered illicit liquor. The petitioner bears fair antecedent and only on suspicion his name has been implicated. There are other infirmities in the search and seizure. Moreover, the seizure list witnesses are none else but the police personnel.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the co-accused there is no material suggesting the petitioner has any concern with the motorcycles or the illicit liquor which were seized by the police personnel coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Excise Court No. 04, Gaya in connection with Fatehpur P.S. Case No. 91 of 2022 (EX. G.R. No.-150/2022), subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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