

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38431 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- BIHIA District- Bhojpur

Balister Yadav Son Of Late Shivji Yadav Resident Of Village - Ramdihra, P.S.
- Bihiya, District - Bhojpur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bihia P.S. Case No. 61 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, in short, is that 317.490 liters of foreign liquor was recovered from a motorcycle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The name of the petitioner has come into light on the basis of disclosure made by local *Chaukidar*, which has got no evidentiary value in the eyes of law. Petitioner has no



concern either with the seized vehicle or with the liquor in question. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no knowledge regarding the alleged occurrence. It is next submitted that the petitioner has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Bihia P.S. Case No. 61 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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