

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51873 of 2024

Arising Out of PS. Case No.-125 Year-2021 Thana- LADANIA District- Madhubani

Ram Gulam Yadav Son of Nasivllal Yadav Resident of Village - Sishuabarhi,
P.O. and P.S.- Phulparas, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Ladaniya P.S. Case No. 125 of 2021 registered for the alleged offence under Sections 272 & 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, two motorcycles were intercepted by the SSB personnel and the riders tried to escape. However, one rider from each motorcycle was chased and apprehended. Recovery of 30 bottles of 300 ml of Nepali country made liquor was made from each motorcycle. The petitioner is said to be the owner of one of the motorcycles.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR. On the date of occurrence, the petitioner went to participate in a marriage ceremony at his matrimonial place where co-accused, Pramod Yadav, took motorcycle of the petitioner for marketing work. However, co-accused Pramod Yadav, used the motorcycle for illegal purposes and this wrong doing was not in knowledge of the petitioner. Further, the apprehended co-accused did not name the petitioner for being involved in the alleged occurrence. The petitioner is having clean antecedent and he has no concern with the seized liquor.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation against the petitioner and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Ladania P.S. Case No.



125 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

Ashish/-

(Arun Kumar Jha, J)

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