

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38806 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- GOVINDPUR District- Nawada

1. Sonu Kumar S/O Dinesh Saw R/O Village- Govindpur Uparbazar, P.S- Govindpur, Distt.- Nawada.
2. Harishankar Yadav S/O Sahdeo Yadav R/O Village- Birjamu, P.S- Domchach, Distt.- Kodarma (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 10-07-2024 Learned counsel for the petitioners seeks permission of this Court to withdraw this application in respect of petitioner No. 1 as he has been arrested during the pendency of the present application.

2. Permission is accorded.

3. The application is dismissed as withdrawn in respect of petitioner No. 1.

4. Heard learned counsel for the petitioner No. 2 and learned APP for the State.

5. The petitioner No. 2 is apprehending his arrest in connection with Govindpur P.S. case No. 121 of 2024 registered under Sections 30(a) and 41 of the Bihar Prohibition



and Excise Act.

6. Prosecution allegation, in short, is that 69 liters liquor was recovered from the tempo.

7. Learned counsel for the petitioner No. 2 submits that the petitioner No. 2 is innocent and has falsely been implicated in the present case. The petitioner No. 2 has got no criminal antecedent. No incriminating material has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner No. 2 is said to be driver of the vehicle in question and he has no knowledge regarding the goods loaded in the tempo. There is no compliance of Section 100 of Cr.P.C.

8. On behalf of the State, it is submitted that the petitioner No. 2 is named in the F.I.R.

9. Considering the aforesaid facts and circumstances, let the petitioner No. 2, 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 Court below /concerned Court in connection with Govindpur P.S. case



No. 121 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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