

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40310 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- AKBARPUR District- Nawada

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Birendra Kumar Yadav @ Virendra Kumar Yadav @ Virendra Yadav s/o
Rameshwar Yadav R/o village-Daibigha, P.S.-Narhat, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Akbarpur P.S. Case No. 82 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, the police has recovered
91 liter illicit country made liquor from the motorcycle bearing
Regd. No. BR21E-9720.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that nothing incriminating has
been recovered from the conscious possession of the petitioner.



The petitioner is the registered owner of the seized motorcycle which was stolen away by unknown person on 31.07.2023 for which an F.I.R. was also lodged at Narhat police station being Narhat P.S. Case No. 352 of 2023. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Binod Kumar has been granted regular bail by this Court vide order dated 16.05.2024 passed in Cr. Misc. No. 37582 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or 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/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Akbarpur
P.S. Case No. 82 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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