

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40436 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- AKBARPUR District- Nawada

Kallu Kumar @ Vikash Kumar Son of Sundar Prasad Yadav Resident of
Village- Fatehpur, P.S.-Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 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 Akbarpur P.S. Case No. 87 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, on seeing the police party a person carrying a plastic sack on his head fled away leaving behind the sack from which recovery of 20 litre Mahua liquor was made. The villagers identified the persons who fled from the spot as this petitioner.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or

possession of the petitioner. From the F.I.R. it is apparent that recovery has been made from an open place from a plastic sack. The petitioner has been named in this case on saying of the local chowkidar who is on inimical terms with the father of the petitioner and except for suspicion there is nothing against the petitioner. There has been no compliance of Section 100 of the Cr.P.C. with regard to search and seizure. Petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has not been shown from conscious possession of the petitioner and further considering 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) each with two sureties of the like amount each to the satisfaction of learned Court of learned Exclusive Special Excise Court-1, Nawada in connection with Akbarpur P.S. Case No. 87 of 2024, 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.

(Arun Kumar Jha, J)

anuradha/-

U		T	
---	--	---	--