

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41481 of 2024

Arising Out of PS. Case No.-186 Year-2021 Thana- NADI P.S. District- Patna

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DHARMENDRA YADAV @ DHARMENDRA KUMAR SON OF
RAMBABU RAY RESIDENT OF VILLAGE - DIDARGANJ,
KHARIHANA, POLICE STATION - DIDARGANJ, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mrs.Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-07-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Nadi P.S. Case No. 186/ 2021 dated 07.07.2021 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Jayram Prasad, learned counsel for the petitioner submits that petitioner has got no criminal antecedent and the instant matter relates to recovery of four litres of country made liquor and the same is stated to have been recovered from one Lalan Paswan who disclosed the name of this petitioner as being a supplier but the said statement is not admissible in the eye of law, so, the alleged offence of Excise Act does not even *prima facie* attract against this petitioner.



Hence, his prayer for anticipatory bail is maintainable.

4. Though, Mrs. Madhuri Lata, learned APP appearing for the State opposed the bail prayer but fairly accepted that against this petitioner there is no material except the statement of arrested co-accused.

5. Heard both sides and perused the F.I.R. The petitioner has got no criminal antecedent, though he is named in the F.I.R. but admittedly, he was not identified by the raiding party when the alleged place was raided and one person namely, Lalan Paswan who was apprehended with the alleged liquor disclosed the name of this petitioner as being a supplier in smuggling of alleged liquor and the said statement is not sufficient to show even *prima facie* involvement of the petitioner in the alleged offence under Excise Act.

6. In view of above facts and considering the petitioner's clean antecedent, this court is inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Nadi P.S. Case No. 186/ 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Court concerned, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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