

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42154 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- JAYNAGAR District- Madhubani

Radhe Kumar Yadav @ Radhe Shyam Yadav Son of Abhinandan Yadav @
Ravinandan Yadav R/O Village- Yogia, SimraTol, P.S.- Ladaniya Dist.-
Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner : Mr. Manoj Kumar Pandey, Advocate
For the State : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 756 litres of Nepali liquor has been recovered from a pick up van and two persons were apprehended at the spot, who disclosed the name of this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that no incriminating article has been recovered from the conscious possession of this petitioner.



Petitioner is neither owner nor driver of the vehicle in question. From bare perusal of the F.I.R. it is apparent that name of the petitioner has transpired in this case only on the basis of confessional statement of co-accused persons who were apprehended at the spot. Except confessional statement, there is no material on record to show the accomplice of this petitioner in the alleged incidence. It is further submitted that petitioner has got one criminal antecedent of similar nature in which he is already on bail.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that no incriminating article has been recovered from the conscious possession of this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Madhubani, in connection with Jaynagar P.S. Case No. 101 of 2024, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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