

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43554 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- GAYA MUFASIL District- Gaya

1. Vishal Yadav @ Visha Kumar @ Vishal Kumar S/O Bhora Yadav @ Birju Yadav R/O Village-nauranga,P.S.-Gaya Muffasil,Distt-Gaya
2. Aniket Kumar @ Aniket Chaudhary S/O Magina Chaudhary R/O Village-nauranga,P.S.-Gaya Muffasil,Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in Muffasil P.S. Case No. 228 of 2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 500 liters liquor was recovered from the houses of co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is



further submitted that the petitioners were not arrested on spot, name of the petitioners have transpired on the basis of confessional statement of co-accused Vikash Kumar which has no evidentiary value. Petitioner no. 1 has got two criminal antecedents and petitioner no. 2 has got one criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 228 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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