

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46819 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- BHORE District- Gopalganj

Dabalu Kumar Yadav @ Dabalu Yadav S/o Bandhu Yadav @ Vandhu
Chaudhari R/o Bagahawa Tiwari, P.S. - Bhorey, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Raj, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhorey P.S. Case No. 67 of 2024 instituted for the offences under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 209.1 litres of foreign made liquor was recovered from car.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the name of the petitioner has transpired in this case merely



on the basis of confessional statement of the co-accused persons who were apprehended on the spot. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhorey P.S. Case No. 67 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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