

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45336 of 2024

Arising Out of PS. Case No.-342 Year-2022 Thana- CHAKAND District- Gaya

Arun Kumar @ Arun Yadav Son of Dugri Yadav R/O Vill.- Bahadur Bigha,
P.S.- Chakan, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chakand P.S. Case No. 342 of 2022 instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is recovery of 15 litres illegal country made *mahua* liquor from the motor-cycle and it is alleged that the petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that the petitioner was not present on the spot and nothing incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner has neither any concern with the alleged



motorcycle nor concern with the seized illicit country made *mahua* liquor. He further submits that only on the basis of suspicion and one criminal antecedent the petitioner has been implicated by the local *chowkidar* due to village politics and except the disclosure made, there is no material against the petitioner. The petitioner undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Gaya / Concerned Trial Court in connection with Chakand P.S. Case No. 342 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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