

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47425 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- CHENARI District- Rohtas

Sandeep Kumar Sukhari Yadav @ Sukhadi Yadav Village -Tilokhar , PS
-Chutiya , Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Chenari P.S. Case No. 381 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018/2022.

3. As per prosecution case, the police has recovered total 833.8 liters of illicit foreign liquor of different brands from the alleged truck bearing Regd. No. JH05AK5909. It is alleged that the petitioner has fled away from the alleged place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner in this case has come on the basis of confessional statement of the co-accused Chandan Kumar. The petitioner is neither the owner nor the driver of the alleged truck as also has no concern with the seized liquor. Except confessional statement, there is nothing has come against the petitioner in this case. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Jokhan Kumar has been granted regular bail by this Court vide order dated 23.02.2024 passed in Cr. Misc. No. 11600 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-



named, in the event of his arrest or 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chenari P.S. Case No. 381 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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