

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49996 of 2024

Arising Out of PS. Case No.-361 Year-2024 Thana- Excise P.S. District- Nawada

Jagdish Yadav @ Jagdish Manjhi son of Late Ruplal Yadav Village- Bagai Ps-
Gurpa Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Nawada Excise
P.S. Case No. 361 of 2024, instituted for the offences punishable
under Sections 30(a) and 47 of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that, 950 liters
liquor was recovered from seven motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner also submits that the petitioner is neither
owner nor rider of any of the motorcycles in question. The



petitioner was not present at the place of occurrence. Name of the petitioner has transpired on the basis of confessional statement of co-accused person which has no evidentiary value. The petitioner has got four criminal antecedents in which the petitioner is on bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 24.06.2024 passed in Cr. Misc. No. 43522 of 2024. 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 petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada Excise P.S. Case No. 361 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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