

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48846 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- DHANHA District- West Champaran

1. Rampukar Yadav Son of Late Banarsi Yadav R/O Vill.- Chandaaur, P.S.- Bhagwanpur, Dist.- Begusarai
2. Shushil Kumar Son of Rampukar Yadav R/O Vill.- Chandaaur, P.S.- Bhagwanpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Dhanha P.S. Case No. 241 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, the police has recovered total 267.840 liters illicit India-made foreign liquor along with other articles from the Tata ACE GOLD vehicle bearing Registration No. BR05GD0409.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The name of the petitioner no.2 has transpired in this case on the basis of disclosures made by the apprehended person namely Jitendra Paswan and so far as petitioner no.1 is concerned, he is the registered owner of the seized vehicle. The petitioners have got no concern with the alleged occurrence or the seized liquor. The petitioners have also no concern with the arrested co-accused Jitendra Paswan. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 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 Jitendra Paswan has been granted regular bail by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 20109 of 2024.

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

7. Considering the entire facts and circumstances of



the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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) each 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 Dhanha P.S. Case No. 241 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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