

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51424 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- SRIPUR District- Gopalganj

Omprakash Yadav, Male, aged about 34 years, Son of Mahendra Yadav,
Resident of Vill- Ratanpura, P.S.- Gopalpur, District- Gopalganj, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sirpur P.S. Case No. 32 of 2024 dated 29.03.2024 registered for the offence punishable under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 501.690 litres of illicit foreign liquor was recovered from the *seat* and *dicky* of the *Bolero vehicle* in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner has no concern with the alleged offence. No incriminating article has been recovered from the possession of the petitioner. The petitioner is not the owner of the *Bolero vehicle* in question rather he is the owner of *Hero Splendor Motorcycle* bearing Registration No. BR29AU2683. He was not present at the place of occurrence. It is further submitted that the other co-accused person Mritunjay Kumar Singh has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 38524 of 2024 under order dated 18.07.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XIII-cum-Special Excise Court No. 1, Gopalganj, in connection with Sirpur P.S. Case No. 32 of 2024, subject to the condition as laid



down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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