

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50464 of 2024

Arising Out of PS. Case No.-85 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Arjun Yadav Son of Vishundeo Yadav R/O Vill.- Narayanpur, P.S.- Belaganj,
Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh
For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Case No.85/2015 registered for the offences punishable under Sections 47(a) and (f) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 1200 kg. Jawa mahua and making apparatus from the place of occurrence. The petitioner is said to have managed to flee away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that seized liquor was recovered from an open place and the same was accessible to all. The petitioner has nothing to do with the alleged occurrence. From perusal of prosecution report, nothing is found that as to who has divulged the name of the petitioner and hence the authenticity of the FIR is doubtful. Petitioner bears no criminal antecedent prior to present case rather the petitioner has been implicated in one case which has been mentioned in para 3 of the present petition, which is much after occurrence of the present case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was neither concerned with the place of recovery nor was concerned with the seized liquor. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Judge No.3, Gaya in connection with Excise Case No.85/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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