

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54215 of 2024**

Arising Out of PS. Case No.-30 Year-2024 Thana- Baijnathpur District- Saharsa

Krishna Kumar @ Krishna Yadav S/o Shyam Yadav R/o vill - Baijnathpur,  
ward no. 22, P.S. - Baijnathpur, Distt. - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rashmi Jha

For the Opposite Party/s : Mr. Nand Kishore Pd.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      05-09-2024      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Baijnathpur P.S. Case No.30/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 84 liters country made liquor from back side of the house of the petitioner. Apprehended co-accused Victor Kumar disclosed the name of petitioner who fled 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.



Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that seized liquor was recovered from the open place and the same was accessible to all. The petitioner bears one criminal antecedent which is not similar to the present case in which he is on bail. Nothing has been recovered from the conscious possession or house of the petitioner. He further submits that the petitioner is not in any way connected with the alleged occurrence. 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 Special



Judge (Excise), Saharsa in connection with Baijnathpur P.S.  
Case No.30/2024, subject to the conditions as laid down under  
Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

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