

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52126 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- SABAUR District- Bhagalpur

Bhola Kumar Yadav @ Bhola Prasad Yadav @ Bhola Kumar Son Of Late
Ram Prasad Yadav Resident Of Village - Govindpur, P.S. - Pirpanti, District -
Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Sabour P.S.
Case No. 101 of 2024, registered under Sections 30(a) and 45 of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 48.75 liters
liquor was recovered from two 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 knowledge and concern with the alleged recovery of liquor.
Learned counsel for the petitioner also submitted that the name
of the petitioner has transpired as being owner of the motorcycle



in question bearing Registration No. JH-18G-3106 and he has no knowledge regarding the goods being loaded in his motorcycle. The petitioner was not present at the place of occurrence. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 32441 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 Sabour P.S. Case No. 101 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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