

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56834 of 2024

Arising Out of PS. Case No.-1191 Year-2022 Thana- DOBHI District- Gaya

Sadhu Yadav, son of Prasad Yadav, Village- Parari Ps- Hunterganj Dist-
Chatra Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Dobhi P.S. Case No. 1191 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2016.

3. As per prosecution case, on the basis of secret information a motorcycle was intercepted and two persons were apprehended. From a bag being carried on the motorcycle, recovery of 13 litres of India made foreign liquor was made. The apprehended co-accused persons named this petitioner as the person who supplied them with the liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The name of the petitioner transpired in this case merely on the statement of arrested co-accused persons who are on inimical terms with the petitioner. Except the statement of co-accused, there is no material to show the involvement of the petitioner in the alleged occurrence. Petitioner is having accused in another case which has been lodged subsequent to the present case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the absence of substantive material to connect the petitioner with the offence as alleged coupled with possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-V,



Gaya/court concerned in connection with Dobhi P.S. Case No. 1191 of 2022, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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