

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58680 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- FULKAHA District- Araria

Nishi Kant Kumar Yadav Son of Janardan Yadav Resident of Village -
Shankarpatti Ward No.-04, Police Station - Chatapur, District- Supaul
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Fulkaha P.S. Case No. 52 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 810 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced out of confessional statement of co-accused Pradeep Kumar, where in furtherance of said confessional statement, no incriminating



material appears to be recovered from conscious physical possession of the petitioner as to connect him *prima-facie* with the present recovery of illicit liquor. It is submitted that petitioner is a man of clean antecedent.

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

6. In view of the facts and circumstances of the case as except suspicion out of confessional statement of co-accused, no incriminating material *prima-facie* appears to be recovered from possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-cum-Special Judge, Excise-II, Araria/concerned court in connection with Fulkaha P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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