

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61190 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- BARHARA KOTHI District- Purnia

Ganesh Yadav Son of Bhola Yadav R/o Aliganj, P.S.- Barahra Kothi, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Barhara
P.S. case No. 72 of 2024 registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution allegation, in short, is that the
109.17 liters liquor was recovered from a husk house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no criminal antecedent.
The name of the petitioner has transpired on the basis of
confessional statement of co-accused namely Vipin Kumar
Yadav. No incriminating material has been recovered from the



conscious possession of the petitioner. The husk house in question does not belong to the petitioner. The petitioner has got no knowledge and concern with the alleged recovery of liquor. There is no compliance of Section 100 of Cr.P.C. Co-accused Vipin Kumar Yadav has been granted regular bail by this Bench vide order dated 30.04.2024 passed in Cr. Misc. No. 32426 of 2024.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Barhara P.S. case No. 72 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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