

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64526 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- MIRGANJ District- Gopalganj

Mintu Yadav @ Mantu Diwana, aged about 29 years, Male, S/o- Suresh Yadav, Resident of Village-Makariyar, P.O.- Makariyar, P.S.- Siwan Muffasil, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Shahi, Advocate
For the Opposite Party : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mirganj P.S. Case No. 234 of 2024 dated 12.06.2024 registered for the offences punishable under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 322 litres of illicit country made liquor was recovered from the Scorpio vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot. No incriminating article has been recovered from



the possession of the petitioner. He has no concern with the alleged offence. The petitioner is neither the owner nor the driver of the Scorpio vehicle. He was not present on the alleged date and time of occurrence. There is no compliance of Section 100 of Cr.P.C. It is further submitted that the other co-accused person Vikash Yadav @ Vikash Kumar Yadav has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 62214 of 2024 under order dated 04.10.2024. The petitioner has four criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Judge-II, Gopalganj, in connection with Mirganj P.S. Case No. 234 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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