

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63554 of 2024

Arising Out of PS. Case No.-213 Year-2022 Thana- PRATAPGANJ District- Supaul

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Akhilesh Yadav @ Akhilesh Kumar Son of Bhupendra Yadav Resident of
village - Fylwaria (Ward No.- 11), P.S.- Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Pratapganj P.S. Case No. 213 of 2022 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 270 litre Nepali saufi wine was recovered from Hyundai car in question. Apprehended co-accused Pravesh Kumar and Deepka Yadav disclosed the name of the petitioner and other.

4. Learned counsel for the petitioner orally submits that petitioner is not owner of the said car in question. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears



criminal antecedent of two cases in which he is on bail. Petitioner was not found at the place of occurrence. Petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned In-charge Special Judge (Excise) Court No.-2, Supaul in connection with Pratapganj P.S. Case No. 213 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Furthermore, petitioner shall submit an undertaking that he is not the owner of the Hyundai car in question otherwise his bail bond shall not be accepted by the



learned trial court.

8. The application stands disposed of.

(Alok Kumar Pandey, J)

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