

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65710 of 2024

Arising Out of PS. Case No.-146 Year-2021 Thana- NIRMALI District- Supaul

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Ram Prakash Yadav Son of Tej Narayan Yadav Resident of Village- Narahiya
Laukahi, Ward No.- 05, Post- Mansapur, PS- Laukahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Nirmali P.S. Case No. 146 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, there is alleged recovery of total 1464 litre foreign liquor from the truck in question and also from the bush of orchard. It is stated that local people identified the fled away person.

4. Learned counsel for the petitioner submits that though, he has not stated in the petition that petitioner is not named in the FIR but he has orally submitted that petitioner is not named in the FIR and his name has been surfaced in this



case during course of investigation upon the confessional statement of driver of the truck (Pankaj Kumar) and co-accused Sharwan Kumar, as mentioned in the impugned order. Except disclosure of said co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is neither owner nor driver of the truck in question. Petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of one case in which he is on bail and because of criminal antecedent of the petitioner, he has been falsely implicated in this case by the police though petitioner was not present at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. 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 Exclusive Special Judge, Excise Court No. 2, Supaul in connection with Nirmali P.S. Case No. 146 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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