

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72067 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- MURLIGANJ District- Madhepura

Anup Kumar Yadav @ Anup Yadav, Son Of Late Fokay Yadav, Resident Of
Village - Tulsiya Koti Tola, Police Station - Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Murliganj P.S. Case No. 329 of 2023, registered on 12.08.2023 for the offences under Sections 30(a), 32(ii), (iii), 41(i), (ii) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of information received about co-accused persons bringing huge quantity of India made foreign liquor on a truck at a certain place, a raid was conducted and recovery of 3792 litres of India made foreign liquor was made from the said truck and a pick-up van. Co-accused persons were apprehended from the spot who disclosed the name of the petitioner and other co-accused persons who had been indulging in illicit trade of liquor.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is neither the owner nor the driver of the said vehicles from which recovery has been shown. Nothing incriminating has been recovered from the possession of this petitioner. Similarly placed co-accused persons have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 71131 of 2023, order dated 09.11.2023 passed in Cr. Misc. No. 70545 of 2023, order dated 07.12.2023 passed in Cr. Misc. No. 75196 of 2023 and order dated 16.02.2024 passed in Cr. Misc. No. 5572 of 2024. Petitioner is having criminal antecedent of one case.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-5th-cum-Special Judge, Excise Act-1, Madhepura/court concerned in connection with Murliganj P.S. Case No. 329 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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