

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66969 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- Excise P.S. District- Madhepura

Pravesh Yadav S/o- Bishnudeo Yadav @ Vishundev Yadav R/v- Gamahariya
ward no-7, PS- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Udakishunganj Excise P.S. Case No. 127 of 2024
registered for the offences punishable under Section 30(a) Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered
total 320 liters of illegal Chullai liquor from the Bajaj Auto
bearing Regd. No. BR43P9570.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was not arrested on spot and his name has



surfaced in this case on the basis of the disclosures made by the co-accused Brajesh Kumar Yadav who was apprehended by the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the seized Bajaj Auto vehicle. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Brajesh Kumar has been granted regular bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 57385 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Udakishunganj Excise P.S. Case No. 127 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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