

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68855 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BALIYA District- Begusarai

Ajit Kumar @ Himanshu Yadav @ Ajit Yadav Son of Sudhir Yadav Village-
Mehan, Ps- Dandari, Dist- Begusarai, At P/A- Bishunpur, Bichala Tola, Ps-
Vishunpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

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

2. The petitioner apprehends arrest in Balia P.S. Case
No. 79 of 2024, registered under Sections 30(a), 32 and 41(i)(ii)
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1352.160
liters liquor was recovered from three vehicles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no concern with the alleged
recovery of liquor. Learned counsel for the petitioner also
submits that the petitioner is not the owner of any of the
vehicles in question. The petitioner is not named in the FIR.
Name of the petitioner has transpired on the basis of



confessional statement of co-accused Ranjeet Prasad and the same has got no evidentiary value. The petitioner has got one criminal antecedent in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 37668 of 2024 and order dated 02.08.2024 passed in Cr. Misc. No. 54280 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/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 Court below/concerned Court in connection with Balia P.S. Case No. 79 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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