

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70992 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- ANDHRAMATH District- Madhubani

Amrendra Kumar Yadav @ Amrendra Kumar, aged about 24 years (Male),
Son of Ram Yadav, Resident of village - Atari, P.S. - Laukahi, District –
Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Gagandeo Yadav and Ravi Prakash,
Advocates

For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Andhramath P.S. Case No. 67 of 2024 dated 13.04.2024 registered for the offences punishable under Sections 272, 273 read with Section 34 of the I.P.C., Sections 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Sections 20(b)(ii)(B) and 25 of the N.D.P.S. Act.

3. As per the prosecution case, police saw that a Scorpio vehicle was crossing Indo-Nepal Border and on seeing



police, the accused persons left the said vehicle and started fleeing. The police apprehended the co-accused Dev Nandan Kumar Yadav who disclosed the name of the escaped person as Amrendra Kumar Yadav (petitioner) from the Scorpio vehicle. On search, total 828 litres of country made Mamashree liquor and 17.13 kgs., of Ganja were recovered from the Scorpio vehicle. The apprehended co-accused person has also disclosed that the aforementioned items belongs to the co-accused Girdhari Yadav and he worked for him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating article or liquor and ganja has been recovered from his possession or from his house. The name of the petitioner has come in the present case merely on the basis of the confessional statement of the apprehended co-accused person Deo Nandan Kumar Yadav which has got no evidentiary value in the eye of law. He has no concern with the alleged offence. The petitioner is neither the owner nor the driver of the Scorpio vehicle in question. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submitted that 828



litres of country made Mamashree liquor and 17.13 kgs., of ganja were recovered from the Scorpio vehicle and the co-accused Deo Nandan Kumar Yadav started fleeing away from the said vehicle and later on, he was apprehended by police who disclosed the name of the petitioner as escaped person from the Scorpio vehicle. He has also disclosed that the abovementioned seized items belongs to the co-accused Girdhari Yadav and he worked for him. Learned A.P.P. for the State has further placed reliance on an order of the Hon'ble Supreme Court in the case of *Anarul SK Vs. The State of West Bengal*, passed in *S.L.A (Crl.) No(s). 12621/2024, arising out of impugned final judgment and order dated 08.07.2024 in CRM (NDPS) No. 943/2024* passed by the High Court at Calcutta.

6. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being



prejudiced of the order of this Court in connection with Andhramath P.S. Case No. 67 of 2024, pending in the court of learned D.J. Madhubani.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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