

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71527 of 2023

Arising Out of PS. Case No.-817 Year-2023 Thana- Excise P.S. District- Katihar

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Pawan Kumar Yadav, aged about 29 years, Male, S/O Hardev Yadav, R/O
Village- Makhdumpur, P.S- Korha, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party : Mrs. Pushpa Sinha.1,A.P.P.

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

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Katihar Excise P.S. Case No. 817 of 2023 dated
07.08.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 15.375 litres of
country made liquor was recovered from the bag near the Gumti
shop of the petitioner.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has been falsely implicated in



this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the recovery has been made behind the gumti of the petitioner which is an open place and the petitioner has no concern with the alleged field. The petitioner has been made accused in the present case only on the basis of suspicion and expect suspicion there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Katihar in connection with Katihar Excise P.S. Case No. 817 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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