

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72112 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Munib Yadav @ Manib Kumar Son Of Jayram Yadav @ Jajram Yadav R/O
Village- Harakhua @ Harkhua, Ward No.23, P.S.- Gopalganj (TOWN),
District- Gopalganj Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 414 of the
IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 54 litres of liquor from two motorcycles, that is, 27
litres of liquor from each motorcycyle.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of co-accused Shipu
Kumar in police custody, which does not have any evidentiary
value. It is also submitted that though it is alleged in the FIR
that one of the motorcycles belongs to the petitioner, but it has



been specifically asserted in para-8 of the anticipatory bail application that the owner of one of the seized motorcycles is Sarda Devi, with whom petitioner has no connection. It is thus submitted that it absolutely does not stand to reason that on what basis the police implicated the petitioner, alleging that one of the bikes seized belongs to the petitioner.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vishambharpur P.S. Case No. 131 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

