

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76430 of 2024

Arising Out of PS. Case No.-7 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Bhola Yadav Son of Sukat Chaudhari Resident of village- Rajpur PS
-Raghunathpur Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Raghunathpur Police Station Case No. 07 of 2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, is that on 14.01.2022, at 17:10 PM, the police received secret information that two persons namely, Chhuttu Yadav and Nayan Yadav, are going to sell liquor somewhere and reached at the place of occurrence. On seeing the police vehicle, the liquor traders started running away leaving the liquor, along with the motorcycle, out of which one person was caught namely, Kamlesh Bhagat. On inquiry, the



arrested accused person, disclosed the name of the persons, who fled away as Nayan Yadav, Chhuttu Yadav and Bhola Yadav (petitioner). Upon search, the police recovered 35 liters of country made illicit liquor from Passion Pro motorcycle, bearing Registration No. BR29Q7269, and 28 liters of country made illicit liquor from Hero Honda Splendor Plus, bearing Chasis No. MBLHA10EJ9HA, i.e., total 63 liters of country-made liquor was recovered.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to high handedness of the police. He further submits that nothing has been recovered from the conscious possession of the petitioner. He next submits that petitioner is 50 year old and only earning member of his family and resides out of the State for livelihood. He further submits that the name of the petitioner has been dragged in this case only on the basis of confessional statement of one co-accused Kamlesh Bhagat. The petitioner has got no criminal antecedent and he is not the owner of the seized motorcycle.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the name of the petitioner has been dragged in this case only on the



basis of confessional statement of one co-accused Kamlesh Bhagat, illicit liquor has not been recovered from the conscious possession of the petitioner and he has no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Siwan, in connection with Raghunathpur Police Station Case No. 07 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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