

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76427 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- Karnamepur District- Bhojpur

Mithilesh Kumar Yadav @ Mithilesh Yadav Son of Akshyavar Yadav
Resident of Village- prasounda Dera, P.S.- Karnamepur, District- Bhojpur at
Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Sourav, 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 Karnamepur Police Station Case No. 23 of 2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 (hereinafter referred to as 'the Act').

3. The allegation against the petitioner, as per the First Information Report, is that on 14.08.2024, at about 05:20 AM, the police, upon secret information that the petitioner is carrying illicit liquor on horse, reached near Diyara Temple village Prasoda, where they saw the petitioner coming on horse carrying plastic sack. Upon seeing the police party, the petitioner started fleeing away on his horse and succeeded in it, however, while fleeing away the plastic sack tied on the horse fell behind. Upon search,



the police recovered total 34 liters of illicit liquor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the allegation has been leveled against the petitioner on the basis of mere secret information received by the police. He further submits that the petitioner has got no criminal antecedent and the alleged recovery has been made from outside the temple, which is an open area, accessible to all and sundry and not subject to private use of the petitioner.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and the alleged recovery has been made from outside the temple, which is an open area, accessible to all and sundry, 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 Judge, Excise court No. II, Bhojpur at Ara, in connection with Karnamepur Police Station Case No. 23 of 2024, subject to the condition laid



down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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