

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76027 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- LAUKAHI District- Madhubani

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Raja Yadav @ Raj Narayan Yadav S/o Jibachh Yadav @ Jivacha Prasad
Yadav R/o Village- Mahadeva, P.S.- Laukaha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Laukahi P.S. Case No. 70 of 2024 registered for the
offences punishable under Sections 272/273/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2022.

3. As per prosecution case, the police has recovered
total 1260 litres illicit liquor from two cars.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was not arrested on spot and his name has



surfaced in this case on the basis of the disclosures made by the local *Chaukidar*. The petitioner is neither the owner nor driver of the Scorpio or the Santro car. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner never indulged in export or import of the illegal wine. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged liquor or the seized vehicles. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Yogendra Kumar Yadav has been granted regular bail by this Court vide order dated 13.05.2024 passed in Cr. Misc. No. 36067 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also the petitioner having no criminal antecedent, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Laukahi P.S. Case No. 70 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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