

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77179 of 2024

Arising Out of PS. Case No.-141 Year-2020 Thana- LAUKAHI District- Madhubani

1. Parshuram Yadav Son of Sattan Yadav Village- Narahiya Goth, P.S.-
Laukahi, District- Madhubani
2. Raja Kumar Sah @ Ram Kumar Raja Son of Ram Sevak Sah R/O Vill.-
Kishanipatti, P.S.- Ghoghardiha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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

ORAL ORDER

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

2. The petitioners apprehend their arrest in connection
with Laukahi P.S. Case No. 141 of 2020 registered for the
offences punishable under Sections 272, 273, 414 and 34 of the
of the Indian Penal Code and Section 30(a) and 41 of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, the police, on receipt of
secret information, recovered total 202.05 litres illicit foreign
liquor from two vehicles i.e. from the truck and Scorpio.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. The petitioners are neither owner nor driver of the two alleged vehicles and, in no way, are concerned with the alleged recovery illicit liquor or the seized vehicles. The name of the petitioners have surfaced in this case on the basis of the truck driver namely Prashant Kumar Yadav @ Vickky Yadav. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. 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 Prabhu Yadav has been granted regular bail by this Court vide order dated 21.02.2024 passed in Cr. Misc. No. 10290 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioners, above-



named, in the event of their 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) each 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. 141 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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