

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77849 of 2024

Arising Out of PS. Case No.-884 Year-2024 Thana- Excise P.S. District- Aurangabad

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1. Satendra Yadav @ Satyendra Yadav S/o- Late Bhukhan yadav @ Late Dukhan yadav Village- Naga Bigha, P.S-Aurangabad Town, District- Aurangabad
 2. Vicky Kumar S/o- Satendra Yadav @ Satyendra Yadav Village- Naga Bigha, P.S-Aurangabad Town, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. Learned counsel for the petitioners submits that petitioner no. 2, namely, Vicky Kumar has been arrested in this case. In that circumstance, learned counsel for the petitioners seeks permission to withdraw this bail application in respect of petitioner no. 2, namely, Vicky Kumar.

3. Permission is accorded.

4. This application is dismissed as withdrawn in respect petitioner no. 2.

5. The instant application for anticipatory bail has



been filed by the petitioner no. 1 apprehending his arrest in connection with Excise P.S. Case No. 884 of 2024 instituted for the offence under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

6. The case of the prosecution is that altogether 4.875 liters of foreign liquor was recovered from the dicky of a scooty.

7. Learned counsel appearing on behalf of the petitioner no. 1 has submitted that petitioner is innocent and has committed no offence. It has been submitted by learned counsel for the petitioner no. 1 that the said scooty from where the recovery of liquor has been made, belongs to petitioner no. 2 who has already been arrested in this case. Petitioner no. 1 is father and he has got no concern either with the alleged scooty or with the liquor.

8. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner no.1.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the **petitioner no. 1, namely, Satendra Yadav** on bail. The petitioner no. 1 is directed to surrender in the Court below within a period of four weeks from



today and in the event of his arrest or surrender in connection with Excise P.S. Case No. 884 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Excise-II, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C with **a condition that he will not indulge in similar nature of cases in future.**

(Ashok Kumar Pandey, J)

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