

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79222 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- SIMRI District- Buxar

Hariom Yadav S/o Ramesh Yadav R/o Village- Kewatiya, P.S.- Krishnagarh,
District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and Mr.
Ajay Kumar No. 2, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in A.B.P. No. 1252/2024 in connection with Simri (Dera O.P.) P.S. Case no. 377 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendmnt) Act, 2018.

3. The case of the prosecution is that from a bike altogether 17.28 liters of foreign liquor was recovered. No one was apprehended at the spot. Petitioner is the owner of the said bike.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner submitted that though



he owns the bike but he do not reside at his village. The bike is being used by other family members. The petitioner has no concern with the alleged liquor. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. 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 on bail. The petitioner 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 Simri (Dera O.P.) P.S. Case no. 377 of 2023, 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 Exclusive Excise Special Judge, II, Buxar subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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