

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79709 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- CHENARI District- Rohtas

Parasuram Yadav Son of Chanarik Yadav Resident of Village - Khajawatiya,
P.S.- Salaiya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv.
		Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP

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

ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chenari P.S. Case No. 381 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. As per prosecution case, the police has recovered total 833.8 litres of illicit foreign liquor of different brands from the truck bearing Regd. No. JH05AK5909.

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. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case because he is the registered owner of the alleged truck from which the alleged liquor was seized. He again submits that the petitioner has sold the alleged seized truck to the co-accused Chandan Kumar on 25.08.2023 on a Rs. 500/- non-judicial stamp. The co-accused Chandan Kumar has also stated before the police that he has purchased the alleged truck and he is the owner of the same. 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 seized liquor or the alleged truck. 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 Rajendra Singh @ Rajendra Narayan Singh has been granted anticipatory bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 7534 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, 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 Chenari P.S. Case No. 381 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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