

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84664 of 2024

Arising Out of PS. Case No.-294 Year-2022 Thana- AMAUR District- Purnia

Guddu Yadav @ Guddu Kumar Yadav Son of Manoj Yadav R/o-Village- Bela
Rikabganj (Balu Ghat), PS- K. Nagar, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2024 Heard the learned counsel for the petitioner and learned
APP for the State.

2. This is an application for grant of anticipatory bail in connection with Amour P. S. Case No.294 of 2022, 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, 2016.

3. The allegation is regarding recovery of 174.840 litres of illicit foreign liquor from a car and it is stated that two persons were arrested from the spot. The name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person, namely, Rajesh Kumar, who was apprehended from the spot.

4. The learned counsel for the petitioner has submitted that



the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the car in question belongs to the petitioner and merely his name has been dragged in the present case on account of the confessional statement made by the co-accused person, namely, Rajesh Kumar, who has already been granted the privilege of regular bail by this Court, vide order dated 10.02.2023, passed in Cr. Misc. No.72705 of 2022. It is further submitted that the bar to grant of anticipatory bail, under the provisions of the Bihar Prohibition and Excise Act, 2016, would not be an impediment for grant of anticipatory bail to the petitioner herein.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that neither any illicit liquor has been recovered from the petitioner nor the car in question from which illicit liquor has been recovered belongs to the petitioner, thus *prima*



facie no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, 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 Special Excise Judge, Excise Court No.2, Purnea, in connection with Amour P. S. Case No.294 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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