

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84690 of 2023**

Arising Out of PS. Case No.-324 Year-2023 Thana- PHULWARIYA District- Gopalganj

MUNNA KUMAR YADAV S/O BALRAM CHAUDHARY R/O VILLAGE-  
HARKHAULI, UTTAR TOLA, P.S- MIRGANJ, DISTT.- GOIPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vyas Mishra

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

- 3      26-04-2024                      1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Phulwariya P.S. Case No. 324 of 2023 registered for the offences punishable under Sections 414 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition Excise Amendment Act, 2018
3. As per prosecution case, 578.880 litre foreign liquor was recovered from the Scorpio in question. Co-accused, Vivek Kumar, is apprehended on the spot and he disclosed the name of petitioner and others who are said to have acted as a liner in the said occurrence.
4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. Except disclosure of co-accused Vivek Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Petitioner has no concern with the alleged recovery. It is further submitted by the learned counsel that petitioner is neither owner nor driver of the seized vehicle in question. He further submits that co-accused Vikas@Vikash Kumar has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 81417 of 2023 and the case of the present petitioner is identically same and on the principle of parity petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Additional District  
and Sessions Judge-II-cum-Special Excise Court No. 1,  
Gopalganj in connection with Phulwariya P.S. Case No. 324 of  
2023, subject to the conditions as laid down under Section  
438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

vashudha/-

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