

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85874 of 2024

Arising Out of PS. Case No.-809 Year-2024 Thana- Excise P.S. District- Aurangabad

=====

Arun Yadav @ Arun Kumar S/o Narayan Yadav R/o Village- Ajarakwe
Hasauli @ Ajarwe Hasauli, P.S.- Muffasil, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

=====

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 809 of 2024 registered for the
offences punishable under Sections 30(a), 30(c) & 30(d) of the
Bihar Prohibition and Excise Act.

3. The prosecution case in short is that 138.600 litres
country made liquor, 35 litres of spirit and other articles were
recovered from beneath the *neem* tree.

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. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no knowledge and concern with the alleged recovery of liquor. It is submitted that recovery is made from an open place, which is accessible to one and all. The petitioner has got no criminal antecedent. There is no compliance of section 103 of the BNSS, 2023. Other co-accused has been granted anticipatory bail by this Court *vide* order dated 03-10-2024, passed in Cr. Misc. No. 68705 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, 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 Excise P.S. Case No. 809 of 2024, subject to the conditions as laid down



under Section 482 (2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

