

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.176 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SIKTI District- Araria

Kapil Yadav @ Kapil Kumar Yadav SON OF Malasar Yadav RAMNAGAR
WARD NO 06 PS - SIKTI (BARDAHA O.P.), DIST - ARARIA - 854331

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sikti (Bardaha O.P.) Police Station Case No. 255 of 2023, dated 27.09.2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that 4.2 litres of illicit liquor has been recovered from the firewood room of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the room is situated



outside the house of the petitioner and from perusal of the seizure list, it would be evident that the illicit liquor has been recovered from near the door of the house of the petitioner. The said room was not having any door and is an open space, accessible to all. He next submits that the petitioner has got no criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the seizure list, it is apparent that the recovery of illicit liquor has been shown from near the door of the house of the petitioner and the petitioner is not having any criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Araria, in connection with Sikti (Bardaha O.P.) Police Station Case No. 255 of 2023, subject to the condition laid down under Section 438 (2)



of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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