

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14400 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Om Prakash Yadav S/o Nagendra Yadav R/o Ahwar Sheikh, Khajurbari
Tola, P.S. Majhauria, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 19-05-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Majhauria P.S. Case No. 62 of 2017 for the offences punishable under sections 30 (A) and 30 (D) of the Bihar Prohibition & Excise Act.

Allegedly, acting on a tip off that the petitioner and co-accused Surendra Yadav and Ajay Yadav have purchased raw spirit from co-accused Saroj Sahni and preparing pouches, the raid was conducted and when it was seen all the accused persons were hiding the articles in the maize and wheat field and after seeing the police party they succeeded in fleeing away. The villagers told



their names as the petitioner and co-accused Ajay Yadav and Surendra Yadav and the villager also told that they have purchased the same from Saroj Sahni. From the field 45 liters raw sprits was recovered besides punching machine, plastic rapper pouches and other articles.

Submission is of false implication and that besides the statement of the spy there is no other legal material against the petitioner, the names of the villagers has not been disclosed in the FIR, besides suspicion there is nothing against the petitioner, nothing has been recovered from the house of the petitioner or from his conscious possession and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner was identified by the villagers and the villagers told the name of the petitioner.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Bettiah, West Champaran.

However, in case and if so advised, the petitioner



surrenders and seeks regular bail within four weeks from the date of receipt/production of a copy of this order then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order, preferably on the same day.

(Jitendra Mohan Sharma, J)

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