

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7683 of 2017**

Arising Out of PS.Case No. -344 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Sanjay Yadav son of Chameli Yadav, resident of Village- Nauranga, P.S.  
Muffasil, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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

**ORAL ORDER**

2      01-03-2017                      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 Muffasil P.S. Case No. 344 of 2016 for the offence punishable under section 414 of the I.P.C and section 47 of the Bihar Excise (Amendment) Act.

Allegedly, from the tempo 12 cartoons containing 360 sealed bottles of different brand of Whiskey was recovered and during investigation it transpires that the said tempo was of the petitioner and the petitioner is the registered owner of the said tempo.

Submission is of false implication and that the petitioner is the owner of the above said tempo having valid papers, he has got no knowledge regarding transporting of the



illicit liquor by the driver, the driver was caught at the spot, at the time of registering the FIR he has not named the petitioner but later on he has disclosed the name of the petitioner as owner of the said vehicle, the petitioner has got no concern with the said liquor 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 from the tempo of the petitioner illicit liquor in huge quantity was recovered.

In the facts and circumstances as stated above, considering the alleged recovery from the tempo of 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. Gaya.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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