

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37518 of 2018**

Arising Out of PS. Case No.-66 Year-2017 Thana- CHANDI District- Bhojpur

Jai Prakash Yadav @ Jai Prakash Singh, Son of Late Chandrika Singh,  
Resident of Village- Dihari, P.S.- Sandesh, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Umeshnand Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2     04-07-2018                      Heard Sri Manoj Kumar, learned counsel for the  
petitioner and Sri Umeshnand Pandit, learned Addl. Public  
Prosecutor.

The sole petitioner, apprehending his arrest in Excise  
Case No. 2675 of 2017 arising out of Chandi P.S. Case No. 66  
of 2017 registered for offence under Section 30(a) of the Bihar  
Prohibition & Excise Act, 2016, has prayed for grant of  
anticipatory bail.

At the very outset , learned counsel for the petitioner,  
by way of referring to the statement made in paragraph -3 of the  
petition, submits that petitioner is having clean antecedent. He  
submits that petitioner has falsely been made accused on an  
allegation that the motorcycle was found by the police.  
However, by way of referring to the seizure list, kept at page 16



i.e. enclosure of the F.I.R., learned counsel for the petitioner submits that in the seizure list also, save and except seizure of two motorcycles, nothing was mentioned as to whether from motorcycle of the petitioner, recovery was made or not. However, it has been indicated, as if, 20 pouches of 200 ml each of Mahua liquor kept in white plastic container was also found.

Learned Addl. Public Prosecutor, though, has opposed the prayer for grant of anticipatory bail, but he accepts that on the perusal of seizure list itself, it is not clear as to whether anything was recovered from the motorcycle of the petitioner.

Be that as it may, considering the nature of accusation, clean antecedent of the petitioner as well as the fact that nothing was recovered from the motorcycle of the petitioner, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Jai Prakash Yadav @ Jai Prakash Singh be enlarged 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 Special Judge, Excise-cum-A.D.J.-4th, Bhojpur at Ara in connection with Excise Case No. 2675 of 2017 arising out of



Chandi P.S. Case No. 66 of 2017, subject to conditions as laid  
down in Section 438(2) of the Code of Criminal Procedure.

**(Rakesh Kumar, J)**

nawalkrs/-

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