

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35363 of 2018

Arising Out of PS. Case No.-308 Year-2018 Thana- Bodhgaya District- Gaya

Nandu Yadav Son of Rajendra Yadav R/o Village- Chapri, P.S. Bodh Gaya,
District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 27-06-2018 Heard Sri Ajay Kumar Sinha, learned counsel for the
petitioner and Smt. Asha Kumari, learned Addl. Public
Prosecutor.

The sole petitioner, having clean antecedent which
fact has been stated in paragraph – 3 of the petition
apprehending his arrest in Bodh Gaya P.S. Case No. 308 of 2018
registered for offence under Section 30(a) of Bihar Prohibition
and Excise Act, 2016, has prayed for grant of bail in the event of
his arrest or surrender.

Learned counsel for the petitioner, at the very outset,
has drawn my attention to the seizure list i.e. enclosure to the
F.I.R. at page 12 to show that in the case, recovery of about 30
liters *Mahua* liquor was shown from a field, which was about
150 meters away from the house of the petitioner and it has been



argued that it was an open field and petitioner was not having connection with the seized articles.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail.

However, considering the fact that petitioner is having clean antecedent and nothing was recovered from his conscious possession or from his premises, there is no reason to refuse the prayer for anticipatory bail to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Nandu Yadav 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, Gaya in connection with Bodh Gaya P.S. Case No. 308 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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