

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38140 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -BAHADURPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Sanjit Yadav, Son of Gudar Yadav, Resident of Village- Taralahi, P.S.-
Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh
For the State : Mr. Madan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a)/32(2)/41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 14.875 liters wine is recovered.

In pursuance to the order dated 04-07-2018, a counter affidavit has been filed by the counsel for the State enclosing the report of the Superintendent of Police, Darbhanga with regard to the land in question, from which, liquor is alleged to have been recovered. Statement made in paragraphs- 4 & 5 of the counter affidavit are reproduced for ready reference:-



“4. That it is humbly submitted that on 11-07-2018, Sub Divisional Police Officer, Sadar, Darbhanga along with the SHO, Darbhanga Police Station submitted their report and inspected the hut upon the land in question of the petitioner and during inspection, one Badri Yadav son of Bhuttu Yadav resident of village Taralahi P.S. Bahadurpur, District Darbhanga stated that hut over the land in question and cattle are of Sanjit Yadav the petitioner and he further stated that earlier, land in question were joint property of Kaleshwar Singh, Yaduvir Singh, Jawahar Singh and Surya Narayan Singh, all sons of R.C. Singh resident of village Tarlulahi, P.S. Bahadurpur, District Darbhanga. But the aforesaid sons of R.C. Singh executed an agreement for sale to Md. Atik Quraishi and Sanjit Yadav, the petitioner but the entire land is in possession of Ranjit Yadav full brother of said Sanjit Yadav and Ranjit Yadav has also stated that the petitioner Sanjit Yadav purchased the land in question separately from his family members. Except that other witnesses namely Sanjay Yadav, son of Dharmendra Yadav and Surendra Yadav son of Late Shashi Yadav;



both resident of village Tarulahi, P.S. Bahadurpur, District Darbhanga have also stated and supported the said factum that hut over the land and cattle on that belongs to the petitioner Sanjit Yadav.

5. Except that it is humbly submitted that ownership of motorcycle and scooty and other articles seized from the place of occurrence are of Sanjit Yadav. Further regarding place of occurrence one Bachhi Devi wife of Late Surya Narayan Singh resident of village Tarulahi, P.S. Bahadurpur, District Darbhanga stated that the hut upon the land in question is 3½ Katha, is their ancestral property recorded in the name of Nandu Singh and Mohit Singh grandfather of her husband which fell in the share of her father in law namely R.C. Sinha, the all four shareholders of aforesaid land executed an agreement for sale two years back to Atik Quraishi and Sanjit Yadav for consideration money of Rs. 7,40,000/- total, out of which, they have paid Rs. 7,05,000/- and rest amount Rs. 35,000/- to be paid at the time of registration of land. Land in question is under possession of Sanjit Yadav and who constructed hut over the land”.



On 04/07/2018, before a coordinate bench of this Court, it was stand of the petitioner that the land in question did not belong to him. Hence in the said circumstance, the coordinate bench of this Court had called for a report from the Superintendent of Police, Darbhanga. From perusal of the said report, it appears that the land in question belongs to the petitioner.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Bahadurpur P.S. Case No. 68 of 2018 stands rejected.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

