

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9740 of 2019

Arising Out of PS. Case No.-1182 Year-2018 Thana- SAHARSA District- Saharsa

Ashok Yadav, aged about 38 years, Male, S/o Surendra Yadav, R/o-Village-Dighia, P.S.- Sadar, District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhan Chandra Jha

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR, is to the effect that on 31.10.2018, the informant, being the S.I.-cum-S.H.O., Saharsa Sadar Police Station, received a secret information that huge quantity of illicit liquor has been stored in the go-down of Bipin Jha, whereupon raid was laid and 2890.080 litres of illicit India made foreign liquor were recovered. It is alleged that on seeing the police personnel, 5-6 accused persons including the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that



only on the basis of suspicion, the accusation has been levelled against the petitioner. Admittedly, recovery has not been made from the conscious physical possession of the petitioner. Though the petitioner is also made accused in five other cases of similar nature.

Learned APP submits that on seeing the police personnel, the petitioner escaped from the scene.

Considering the fact that prosecution does not suggest that recovery has been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-II-cum-Special Judge (Excise), Saharsa in connection with Saharsa (Sadar) P.S. Case No. 1182 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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