

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10025 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- KEWATI District- Darbhanga

Dev Narayan Yadav @ Chottu Yadav, S/o Sundeshwar Yadav, Resident of
Village-Bherahi, P.S-Keoti, Distt-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR, is to the effect that on 18.09.2018 at 12.45 A.M., while the informant, being the S.I.-cum-S.H.O., of Keoti Police Station, was on patrolling duty, he received a secret information that the petitioner has brought huge quantity of illicit liquor from a white colour car near the house of Ramjatan, situated in village Behatawada, whereupon raid was laid and the alleged car was intercepted, but the driver of the said vehicle and the petitioner escaped from the scene. From the alleged car, 102 litres of illicit foreign liquor were



recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the place of seizure. A statement has been made in paragraph no.6 of the petitioner to the effect that the petitioner has no concern with the alleged car. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that on seeing the police personnel, the petitioner escaped from the place of seizure.

Considering the fact that the petitioner was not apprehended from the place of seizure and the prosecution does not suggest recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 Additional Sessions Judge-Vth-cum-Special Judge (Excise Act), Darbhanga in connection with G.O. Excise Case No. 829 of 2018, arising out of Keoti P.S. Case No. 162 of 2018,



subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bonds of the petitioner shall be accepted by learned Court below on verification of the fact that the vehicle in question is not registered in the name of the petitioner. If it is found that the vehicle in question is registered in the name of the petitioner, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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