

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12047 of 2019

Arising Out of PS. Case No.-387 Year-2018 Thana- LAXMIPUR District- Jamui

Rajesh Yadav, son of Parmeshwar Yadav, Resident of Village - Darha
(Tiresath), P.S.- Barahat, Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Laxmipur P.S. Case No.387 of 2018 for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section 30(a)
of the Bihar Excise Prohibition Act.

The allegation in the First Information Report that one
Rajesh Kora was intercepted and arrested by the police along with
30 litres of countrymade wine kept on his cycle. The name of the
petitioner has surfaced on the statement of arrested person, Rajesh
Kora that this liquor was made for the petitioner.

Learned counsel for the petitioner submits that petitioner
is innocent and no recovery of any illicit illegal liquor has been
made from the possession of the petitioner and the name of the
petitioner has come on the basis of statement of co-accused who was



arrested.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and perusal of the materials on record, it transpire that no recovery of any illicit liquor has been made from the conscious possession of the petitioner and the petitioner's name has only surfaced on the basis of statement made by the person who was arrested by police along with 30 litres of countrymade liquor and upon perusal of the First Information report, no prima facie case is made out against the petitioner for the offence under Section 30(a) of Bihar Excise and Prohibition Act.

Accordingly, let the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd Jamui, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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