

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11611 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- DEEPNAGAR District- Nalanda

Ganen Yadav S/o Baso Yadav, R/o Village- Bijban Par, P.S.- Deepnagar,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-02-2019 Heard both sides.

The petitioner apprehends his arrest in Deepnagar P.S.
Case No.432 of 2018 registered under Sections 30(a), 38 and 41
of Bihar Prohibition and Excise Act.

The informant being police officer intercepted a
vehicle bearing Registration No.JH-10AP-2729 and arrested the
driver who disclosed the name as Raju @ Baila Yadav and two
other persons, namely, Veeru Kumar and Pintu Kumar. A huge
quantity of foreign liquor was recovered from the vehicle. The
apprehended driver and other accused persons disclosed that
they dropped some cartons containing foreign liquor in the field
situated near the house of Ganen Yadav (petitioner). On such,
the raid was conducted and four cartons containing 48 bottles of
Imperial Blue and eight cartons containing 96 bottles of Royal



Stag Whisky and nine cartons containing 108 bottles of Royal Challenge Whisky were recovered from that place.

Learned counsel for the petitioner submits that the petitioner is not the person who got the delivery of consignment. Of course, the recovery was made from a field situated near the house of the petitioner. It is further submitted that there is no material to show that the petitioner got the delivery for sale but it appears that the apprehended accused disclosed the name of petitioner and stated that one consignment of foreign liquor was delivered to the petitioner which was dropped in the field situated near the house of petitioner and immediately thereafter the recovery was made. It also transpires that the petitioner has got criminal case and he is an accused in Deepnagar P.S. Case No.326 of 2018 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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