

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11003 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- SOHSARAI District- Nalanda

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Raj Kumar Yadav @ Chuha (Male), aged about 55 years, Son of Late Shidheshwar Yadav, Resident of Village- Lohgani, P.S.-Sohsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-02-2019 Heard learned Counsel for the petitioner and learned APP for the State.

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

The prosecution case is that on 12.12.2018 at about 1.00 P.M., on secret information, the house of the petitioner was raided, from there, 4 Kg of plastic wrapper and liquor packing machine were recovered. The son of the petitioner was



apprehended from the place of occurrence, who suggested the name of the petitioner, who escaped from the place of seizure.

It is submitted by learned counsel for the petitioner that no recovery was made from the conscious physical possession of the petitioner, rather recovery has been made from the joint family house of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one other case, but he is on bail in that case.

It is submitted by learned APP for the State that the recovery has been made from the conscious physical possession of the petitioner and therefore Section 30(d) of Bihar Prohibition and Excise Act, 2016 is made out against the petitioner.

Considering the fact that material on record does not suggest recovery from conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **3rd Additional District and Sessions Judge-cum-Special Judge, Excise Nalanda, Bihar** in connection with **Sohsarai P.S. Case No.259 of 2018**, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

Since the petitioner is accused in one other case of similar nature, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in similar nature of offences.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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