

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16337 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

Pramod Yadav @ Pramod Kumar Yadav, son of Mahesh Rai Resident of
Village-Lachhumanwa, P.S-Kotwa, Dist.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Ahtasham Ali Khan

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Excise Case No.80 of 2019 for the offence punishable under
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per prosecution case instituted by
Sub Inspector Excise that on secret information, raid was
conducted in village Lachhumanwa, P.S.-Kadwa, District
Motihari, East Champaran and wherefrom hayrick (Pual ka
Dher) total quantity of 131.40 foreign illicit liquor have been
recovered.

Learned counsel for the petitioner submits that from
perusal of prosecution report as well as seizure list, no offence



under the Excise Act is made out against the petitioner inasmuch as that the place of recovery of illicit liquor has not been mentioned as the premises or the house of the petitioner.

Learned counsel further submits that who has identified the petitioner while he was fleeing away is not disclosed in the prosecution report or in the seizure list. The further submission on behalf of the petitioner that in the seizure list even the place of seizure has not been mentioned and it has only been mentioned that from Hayrick total quantity of 131.30 lts. of foreign liquor have been recovered.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is no material to show that recovery of illicit liquor has been made from the premises /house of the petitioner and it is also not clear from the seizure list and the prosecution report that the hayrick was inside the house of the petitioner, accordingly, in my opinion, no prima facie case is made out against the petitioner. As such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he 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 Sessions Judge-VII-cum-Special Judge, Excise, East Champaran at Motihari, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

