

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21059 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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AWADHESH KUMAR YADAV @ AWDESH KUMAR YADAV Son of Late
Raghunandan Yadav Resident of Village- Kanchantola, Belha, Ward No.01,
P.S.- Sour Bazar (Bajjnathpur O.P.) District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 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(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that from the heap of straw kept
outside the house of the petitioner, 30 litres of illicit country
made liquor were recovered.

It is submitted by learned counsel for the petitioner that
admittedly the recovery has been made from an open area,
hence, it cannot be treated from the conscious physical
possession of the petitioner. A statement has been made in
paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

It is submitted by learned APP for the State that the recovery has been made adjacent to the house of the petitioner.

Considering the fact that the recovery has been made from an open area coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner abovenamed 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saharsa, in connection with Special (Excise) Case No.20 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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