

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19378 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- RAGHUNATHPUR District- Siwan

1. AJIT KUMAR YADAV Son of Kedar Yadav R/o village- Raghunathpur, P.S.- Raghunathpur, Distt.- Siwan
2. Lalbabu Yadav Son of Ramnan Yadav @ Ramanand Ahir R/o village- Mirjapur, P.S.- Raghunathpur, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Ajay Kumar-2, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(c)(d), 36, 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written report of Kamruddin submitted before the Station House Officer, Raghunathpur Police Station is to the effect that on 12.12.2018, during patrolling, after having received a secret information that five accused persons, including the petitioner have stored the illicit liquor in the field of Vishwanath Singh, laid a raid, but on seeing the police party, all the accused



persons flee away from the scene. On search, altogether 1900.800 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioners that admittedly, the recovery has not been made from the conscious physical possession of the petitioners, rather it has been made from an agricultural field of one Vishwanath Singh. It is further submitted that the petitioners were not apprehended from the spot and petitioners have been named in the FIR on the basis of suspicion and no material has been collected against the petitioners during investigation. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners escaped from the place of seizure on seeing the police party.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioners and during investigation no cogent material has been collected against the petitioners, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Siwan in connection with Raghunathpur P.S. Case No.204 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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