

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22458 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- TILAUTHU District- Rohtas

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1. RAVI YADAV S/o Late Saheb Singh R/o Village- Tilouthu, P.S.- Tilouthu, District- Rohtas.
 2. Bagha Yadav @ Ghanshayam Yadav S/o Late Saheb Singh R/o Village- Tilouthu, P.S.- Tilouthu, District- Rohtas.
 3. Bhondu Yadav @ Balram Yadav S/o Late Saheb Singh R/o Village- Tilouthu, P.S.- Tilouthu, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 34 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self-statement of Sanjay Kumar Yadav, SHO, Tilauthu Police Station recorded on 5.2.2019 at 8.30 P.M., is to the effect that on the same day at 7.00 P.M. during patrolling, a secret information was received that the accused persons including the petitioners has stored liquor behind the Community Hall situated on the embankment of river. Consequently, raid was laid and from behind the



Community Hall, 305 litres Mahua liquor were recovered. On enquiry, the local people suggested that the place of seizure is in possession of the sons of late Sahab Singh Yadav. The petitioners are the sons of late Sahab Singh Yadav.

It is submitted by learned counsel for the petitioners that the recovery has not been made from the conscious physical possession of the petitioners, rather it has been made from the embankment of the river in an open area. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners and four others stored the alleged liquor and local people suggested that the place of seizure is in possession of the petitioners.

Considering the fact that the accusation does not suggest recovery from the conscious physical possession of the petitioners and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 Sessions Judge II-cum-Special Court, Excise, Rohtas



at Sasaram in connection with Tilouthu P.S. Case No.35 of
2019 subject to the conditions laid down in Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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