

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29343 of 2019**

Arising Out of PS. Case No.-481 Year-2016 Thana- WAJIRGANJ District- Gaya

Arjun Yadav, Son of Late Kishun Yadav Resident of Village-Surdhani,P.S-
Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 14-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Wazirganj P.S. Case No.481 of 2016 (G.R. No.6966/2016) for
the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of Bihar Excise Prohibition
Amendment Act, 2016.

The allegation against the petitioner as per the First
Information Report is that police, on secret information that
petitioner and others were making country-made Mahua wine
near the bank of Chunakhar (Surdhani) Pain, raided the site and
recovered 20 litres Mahua wine kept in plastic jerrycane. It has
further been alleged that upon inquiry, it has come to the
knowledge that petitioner along with others was involved in



preparation of illicit liquor. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated by the police with oblique motive. Petitioner has got no criminal antecedent and no illicit liquor has been recovered from the premises belonging to the petitioner or from his conscious possession. Learned counsel further submits that upon perusal of the First Information Report and the seizure list no prima facie case under the Excise Act is made out against the petitioner.

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 the liquor has been recovered from an open space near the Pain and the same has not been recovered from the premises belonging to the petitioner or from conscious possession of the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, Arjun Yadav, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, 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



Special Judge (Excise Act), Gaya, subject to the condition as
mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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