

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30600 of 2019**

Arising Out of PS. Case No.-9 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Bahadur Yadav Son of Ramashray Yadav Resident of Village - Tari Bazar,  
Uttar Tola, P.s.- Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      24-07-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Apprehending his arrest in connection with Raghunathpur  
P.S. Case No. 9 of 2019 registered for the offence under Sections  
30(a),(c),(d), 38(A) and 41(i) of Bihar Prohibition Excise Act, 2016  
the petitioner has preferred this application for grant of anticipatory  
bail.

As per the allegation in the F.I.R., the informant on getting  
secret information proceeded towards the land of the petitioner. It is  
stated that the petitioner on seeing the police personnel escaped.  
However, on search a total quantity of 10.80 litres IMFL was  
recovered.

It is submitted by learned counsel for the petitioner that  
no recovery as alleged has taken place from his possession. Neither  
the recovered I.M.F.L. nor the land from which it is alleged to have  
been recovered belonged to the petitioner.



Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., the recovery of foreign liquor took place from his possession although he managed to escape and an application for anticipatory bail is not maintainable in the Bihar Prohibition and Excise Act, 2016.

Having heard learned counsel for the petitioner and learned A.P.P. for the State, taking into consideration the facts and circumstances when the alleged foreign liquor is said to have been recovered from the land not belonging to the petitioner, the court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II cum Special Judge (Excise), Siwan in connection with Raghunathpur P.S. Case No. 9 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Partha Sarthy, J)**

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