

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33792 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- PARBATTa District- Khagaria

ANIL YADAV Son of Bouku Yadav Resident of Village - Barilagav, P.S.-
Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) & 37 (c) of the Bihar
Prohibition and Excise Act, 2018.

50 liters of country made liquor and 100 liters of raw
material is said to have been recovered from the lavatory located
in the courtyard of the house of the petitioner.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern with the
seized liquor. There is violation of Section 100 Cr.P.C. Though
the petitioner was apprehended on the spot but the copy of the



seizure list was not furnished to him. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the lavatory of his house. He has no criminal antecedent and has been languishing in custody since 31.03.2019.

Learned APP for the State opposed the bail petition.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Khagaria in connection with Parbatta P.S. Case No. 95 of 2019.

(Prakash Chandra Jaiswal, J)

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