

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36473 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- BELAGANJ District- Gaya

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Raju Yadav @ Raj Kumar Yadav @ Raju Kumar Yadav, Son of Judagi Yadav
Resident of Village - Chiraila Tola, Netupur, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Belaganj P.S. Case No.113 of 2019, for the offence punishable
under Section 30(a) of Bihar Excise and Prohibition Act, 2016.

The allegation against the petitioner is that the police
raided the tea shop of the petitioner and recovered five litres of
illicit liquor from the shop of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence.
Learned counsel further submits that at the time of raid,
petitioner was not present in the shop and the shop in question
does not belong to 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 from perusal of the First Information Report and the seizure list, it appears that illicit liquor has been recovered from the tea shop of the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion for grant of bail under Section 438 of Cr.P.C. As such, the present anticipatory bail application is rejected.

If the petitioner surrenders before the Court below within fifteen days from today, the learned Court below shall consider his application for regular bail on the same day without being prejudiced by the rejection order of this Court.

(Anil Kumar Sinha, J)

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