

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36530 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. Dinesh Yadav @ Dinesh Ray, Son of Dharmraj Yadav @ Dharmraj Ray, Resident of Village - Sipaya Khas
 2. Arvind Yadav @ Arvind Kumar, Son of Amla Yadav @ Amla Rai, Resident of Village - Rupchhap
 3. Umesh Yadav, Son of Ramanand Yadav, Resident of Village - Khem Matihania
 4. Barun Thakur @ Varun Thakur, Son of Sakal Thakur, Resident of Village - Kala Matihania
- All are of P.S.- Bishambharpur, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners, in the present case, are seeking anticipatory bail in connection with Bishambharpur P.S. Case No. 34 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that so far as petitioner nos. 1 to 3 are concerned, there is no recovery of illicit liquor either from their physical possession or from their house or shop. Their names have transpired in the confessional



statement of the accused arrested by the police. It is submitted that these petitioners have no criminal history.

So far as petitioner no.4 is concerned, learned counsel submits that, as per the allegation, police has recovered 1.125 liters of illicit liquor from his shop.

Learned APP for the State submits that so far as petitioner no.4 is concerned, there is recovery of illicit liquor from his shop and, therefore, the allegation seems to be prima-facie correct.

Considering the facts and circumstances of the case finding that so far as petitioner nos. 1 to 3 are concerned, there is no allegation of recovery/seizure of illicit liquor either from their physical possession or from their residential premises as also that they have got no criminal history, this Court is inclined to grant anticipatory bail to them. Let in case of arrest or surrender of the petitioner nos. 1 to 3 within a period of four weeks from today, the abovenamed petitioner nos. 1 to 3 be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise), Gopalganj in connection with Bishambharpur P.S. Case No. 34 of 2019, subject to the



condition prescribed under Section 438(2) of the Cr.P.C.

So far as petitioner no.4 is concerned, the allegations against him are prima-facie supported by the fact that there had been recovery of illicit liquor from his shop. This being the position, in the light of the judgment of the Hon'ble Full Bench in the case of Ram Vinay Prasad Vs. the State of Bihar reported in 2019(2) PLJR 1089, his prayer for anticipatory bail cannot be entertained. The same is accordingly refused.

In case the petitioner no.4 surrenders in the court below within four weeks from today and prays for regular bail, the same shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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