

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39175 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- CHOUTARWA District- West Champaran

Nanhak Yadav @ Krishna Yadav, Son of Rikdeo Yadav Resident of Village-
Dushadhipatti, Patilar, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 26-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Chautarwa P.S.Case No. 28 of 2019 registered under Sections 30(A) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that informant, while on patrolling duty, reached near village Dushadhipatti Patilar and saw that a person was coming from the village carrying a sack (*Bora*) keeping on his head and upon seeing the police, he fled away throwing the sack down. The police seized altogether 17.280 litres of foreign liquor from that sack. Chaukidar informed the police about the person who was carrying sack on his head as Nanhak Yadav @ Krishna Yadav i.e., petitioner.

Submission of learned counsel for the petitioner is that petitioner is innocent and has not committed any offence in the manner as alleged in the FIR. He further submits that liquor was not seized from the conscious possession of the petitioner and



his name was taken by Chaukidar with oblique motive. He further submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and upon perusal of materials available on record, it appears that the liquor in question was not recovered from the possession of the petitioner and name of the petitioner surfaced on the basis of statement made by Chaukidar and the petitioner has got no criminal antecedent. From perusal of FIR, it appears that no *prima facie* case under Excise Act is made out against the petitioner and accordingly, I am inclined to grant privilege of anticipatory bail to the petitioner. As such, let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, West Champaran, Bettiah in connection with Chautarwa P.S. Case No. 28 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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