

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40705 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

SHANKAR YADAV, Son of Krishna Yadav Resident of Village - Tilaisa
Kharat Tola Bhawani Bigha, P.S.- Mufassil, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mrs.Pushpa Sinha.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 The petitioner apprehends his arrest in connection with Muffasil P.S.CaSe No. 92 of 2019 registered under Section 30(a) and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Allegation as per the FIR is that the police, upon getting secret information about selling and drinking liquor by some persons near the house of the petitioner, reached at the place of occurrence and apprehended two persons and one persons succeeded in fleeing away. It is further alleged that the local people disclosed the name of the person, who had fled away i.e., the petitioner, Shankar Yadav. After search, police recovered 20 litres country made liquor kept in a plastic gallon from the south side of the road in front of the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case inasmuch as from perusal of the seizurelist and the FIR, it is evident that recovery of illegal



liquor was made from the public road and not from the premises of the petitioner. Accordingly, learned counsel submits that no case under Section 30(a) of the Excise Act is made out against the petitioner.

After having heard learned counsel for the parties and upon perusal of material on record along with the seizure list, it appears that recovery of liquor has not been made from conscious possession of the petitioner and from the seizure list, it transpires that liquor has admittedly been seized from the road side. Upon perusal of the FIR, no, *prima facie*, case is made out against the petitioner. Accordingly, I am inclined to grant anticipatory bail to the petitioner. 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 A.D.J.-II-cum-Special Judge, Nawada in connection with Muffasil P.S.Case No. 92 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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