

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40240 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- NALANDA District- Nalanda

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BHOSU YADAV @ GHOSU YADAV Son of Uttamchand Yadav Resident of
Village-Gauragarh, P.S.-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Nalanda P.S.Case No. 56 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a)(c) of the Bihar Prohibition and Excise Act, 2016.

Allegation as per FIR is that police upon information intercepted a pick up van which was found loaded with 378 litres of illegal foreign liquor. It has further been alleged that upon interrogation by the police, arrested person disclosed that 20 cartons of liquor was meant for the petitioner i.e., Bhosu Yadav @ Ghosu Yadav.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and petitioner has got no criminal antecedent insofar as excise case is concerned, and his name has surfaced in this merely on the basis of statement of co-



accused. He further submits that no recovery of illegal liquor has been made from the conscious possession of the petitioner as such no *prima facie* case is made out against him.

After having heard learned counsel for the parties and upon perusal of material on record, it appears that no recovery of illegal liquor has been made from the conscious possession of the petitioner and his name has occurred on the basis of statement made by co-accused. Upon going through 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 Additional Sessions Judge-III-cum- Special Judge, Excise , Biharsharif, Nalanda in connection with Nalanda P.S.Case No. 56 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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