

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65132 of 2018**

Arising Out of PS. Case No.-310 Year-2018 Thana- GAYA MUFASIL District- Gaya

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Bablu Yadav S/o late Rajkumar Yadav Resident of Chirainyatand, P.S.
Rampur, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 16-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on a secret information that huge quantity of illicit liquor is stored in the house of Kiran Devi, raid was laid in the house of Kiran Devi and co-accused, Kiran Devi and Lalu Manjhi were apprehended. From the house of co-accused Kiran Devi, 1627.56 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused,



Kiran Devi disclosed the name of five accused persons including the petitioner as the persons who stored the seized liquor in her house.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the conscious physical possession of the petitioner. Moreover, other similarly situated co-accused persons have been granted privilege of anticipatory bail by different Benches of this Court, vide order dated 29.10.2018, passed in Cr. Misc. No. 65493 of 2018 and vide order dated 12.10.2018, passed in Cr. Misc. No. 64356 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is also accused in one other case, in which he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge,



Gaya in connection with Mofassil P.S. Case No. 310 of 2018,
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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