

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41634 of 2019

Arising Out of PS. Case No.-370 Year-2018 Thana- MAJHAULIA District- West Champaran

Brahamdev Yadav, son of Late Bigu Raut, Resident of Village - Birwa, P.S.-
Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Majhauriya P.S. Case No.370 of 2018 for the offence punishable
under Sections 30(a), (d), 36/38 of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that the police
upon information that petitioner along with other co-accused
persons were indulged in selling of illegal liquor from hut and
surrounded the same and upon search, 3 litres of illegal liquor,
from the hut belonging to Munna Singh @ Rajeev Sinha, has
been recovered.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case inasmuch as



petitioner has got no criminal antecedent and the fact is that no recovery of illegal liquor has been made from the premises or possession of the petitioner. Accordingly, he submits that no prima facie case is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing for the State and taking into consideration the fact that there is no recovery from the possession and premises of the petitioner, as such from perusal of First Information Report and the seizure list, I am satisfied that no prima facie case is made out against the petitioner. As such, I am inclined to grant anticipatory bail to this petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

sanjeev/-

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(Anil Kumar Sinha, J)

