

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43950 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- RAGHUNATHPUR District- Siwan

RAJKISHORE YADAV, aged about 35 years, Male, Son of Late Shivpujan
Yadav, Resident of Village-Mirjapur, P.S-Raghunathpur, District-Siwan
... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Raghunathpur P.S. Case No. 204 of 2018 for the offences alleged
under Sections 30(c)(d), 36, 38 and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

The accusation is that the informant, in course of patrolling
duty, received the information that five persons, named in the first
information report, including the petitioner, has kept the illicit liquor in
village Mirzapur. Thereafter, the informant reached Arhar field of
Vishwanath Singh in village Mirzapur, then, said persons started to
flee away while they were chased, but, succeeded in fleeing away. On
search of Arhar field, 220 cartons, each containing 48 bottles of 180
ml of Indian made foreign liquor recovered.

The submission of the learned counsel for the petitioner is
that name of petitioner and other named accused has come in the
knowledge of informant secretly in course of patrolling duty to keep
the illicit liquor in the village and when the informant reached in the



village, the seized liquor recovered from Arhar field and the petitioner was not apprehended at the spot. In fact, the petitioner has been made accused in Raghunathpur P.S. Case No. 241 of 2017 in similar nature of case in which he is on bail due to that reason the informant has implicated the petitioner in this case also on mere suspicion.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Raghunathpur P.S. Case No. 204 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Siwan, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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