

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42878 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

UJJAWAL YADAV, S/o Guput Yadav R/o village- Jamuhar, P.S.- Dihari,
District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sasaram (Mufassil) Police Station Case No. 255 of 2018, disclosing offences, under Sections 30(a)/34/38 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the First Information Report, is that when the police, upon receiving secret information, reached at the place of occurrence, in the village Dhauradh, and during the course of search, 320 cartons, containing illicit liquor, was recovered from the forest area and from the field of one Yamuna Singh.

Learned Counsel for the petitioner submits that



altogether 11 persons have been made accused in this case and the name of the petitioner figures at serial no. 10 of the First Information Report.

From perusal of the First Information Report as well as the seizure list, it is evident that the illicit liquor was recovered from the forest area and from the field of one Yamuna Singh and not from the conscious possession or the premises of the petitioner. He further submits that from perusal of the First Information Report, no *prima facie* case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties and taking into consideration the fact that recovery of the illicit liquor has not been made from the conscious possession or the premises of the petitioner, and on the contrary, the illicit liquor has been recovered from the forest area and from the field of one Yamuna Singh. Accordingly, from perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioner, under the provisions of the Act.

This application is, accordingly, allowed.

Let the petitioner, Ujjawal Yadav, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge (Excise), Rohtas, at Sasaram, in connection with Sasaram (Mufassil) Police Station Case No. 255 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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