

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46539 of 2019**

Arising Out of PS. Case No.-79 Year-2019 Thana- BRAHMPUR District- Buxar

Rakesh Yadav, Son of Rameshwar Yadav Resident of Village- Ariyaon, P.S.-  
Krishnabrahm, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha  
For the Opposite Party/s : Mr.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      26-07-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Brahmpur (Krishnabrahm) P.S. Case No.79 of 2019 for the offence  
punishable under Sections 30(A) of Bihar Prohibition and Excise  
Act.

The allegation against the petitioner, as per the FIR is that  
on 10.03.2019, on the basis of secret information, police reached  
near the open field of brick-kiln of one Dasrath Yadav and from the  
hayrick, 1166.40 litres of illicit liquor were recovered.

Mr. Bachchanji Ojha, learned counsel for the petitioner,  
submits that petitioner is innocent and having no criminal  
antecedent and he further submits that from perusal of the seizure  
list, it is evident that the illicit liquor has been recovered from the  
brick-kiln belonging to Dasrath Yadav and from the heap of paddy.



Learned counsel further submits that the brick-kiln and the heap of paddy and the place from where the alleged illicit liquor were recovered, do not belong to the petitioner. Accordingly, submission is that from perusal of the First Information Report and the seizure list, no prima facie case is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no recovery of illicit liquor has been made from the premises belonging to the petitioner and petitioner has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, 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 A.D.J.-II-cum-Special Judge (Excise) Act, Buxar, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

sanjeev/-

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**(Anil Kumar Sinha, J)**

