

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47726 of 2019**

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

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RAM KUMAR YADAV Son of Dashrath Yadav Resident of Village-
Ariyawn, P.S.- Brahampur (Krishna Brahm), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

2 31-07-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Brahampur (Krishna Brahm) P.S.Case nO.79 of 2019 dated 10.3.2019 registered for offences punishable under Sections 30(a) and (c) of Bihar Excise Prohibition Amendment Act, 2018,

Allegation against the petitioner is about recovery of huge quantity of liquor from the boring of the petitioner.

Submission of the learned counsel for the petitioner is that the boring is outside the house at the village and as such it is not under the control of the petitioner. He has no criminal antecedent as well as he has falsely been implicated in this case.

Heard learned A.P.P. , who has opposed the prayer for bail



on the ground that the recovery is from the boring of the petitioner, as such he is not entitled for anticipatory bail. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner may surrender before the learned court below and pray for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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