

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48170 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

PANKAJ YADAV Son of Tribhuwan Yadav Resident of Village- Dhamar,
Police Station- Ara (M), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey
For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from near Dhamar Gau Lakshmi Panchayat Bhawan, 15 litres country made liquor and 720 Ml Indian Made Foreign Liquor were recovered when certain accused persons escaped from the place of seizure. The petitioner was identified as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, hence the same



cannot be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner escaped from the place of seizure.

Considering the fact that recovery has been made from an open area, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-IV-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1116 of 2019, arising out of Ara (M) P.S. Case No. 174 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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