

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48779 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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Dev Narayan Yadav Son of Sudeshwar Yadav Resident of Village - Barhi
(Anguar), P.S.- Keoti, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Ahtasham Ali Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with G.O. Case No. 147 of 2019 arising out of Sadar (Mabbi
O.P.) P.S. Case No. 58 of 2019, registered under Section 30(a)
of Bihar Prohibition of Excise Act, 2016.

The allegation against the petitioner is that police has
recovered a total quantity of 29.1 liter illicit liquor from the
scooty belonging to the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case by the police with oblique motive. Liquor was found from
an abundant scooty which was lying near Jagalheeha pound in



which 29.1 liters of illicit liquor was kept.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from the vehicle of the petitioner, accordingly, in view of Full Bench Judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion under Section 438 of the Cr.P.C. As such the present anticipatory bail application is hereby rejected.

However, if the petitioner surrenders before the Court below within a period of fifteen days from today and seeks regular bail, the learned Court below shall consider his application for regular bail on the same day without being prejudiced to the fact that the present application has been dismissed.

(Anil Kumar Sinha, J)

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