

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53489 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- MANIGACHI District- Darbhanga

ANIL YADAV Son of Ramchandra Yadav, Resident of Village- Jalegar, P.S.-
Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 The petitioner apprehends his arrest in connection with G.O.Case No. 328 of 2019 arising out of Manigachhi P.S.Case No. 50 of 2019 registered under Sections 272 and 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that police, getting secret information that petitioner along with others has brought consignment of illicit liquor for the purpose of selling it in the market, proceeded towards the place of occurrence and recovered a total quantity of 153.89 litres of illicit liquor from the Poultry Farm of Pawan Yadav and other places including the field of Shivnath Yadav.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has no criminal antecedent. He submits that from perusal of FIR as



well as seizure list, it appears that illicit liquor has not been recovered from the premises belonging to the petitioner or from his conscious possession. Accordingly, learned counsel submits that no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner or the premises belonging to the petitioner and he has got no criminal antecedent as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-cum-Special Judge, Excise Act, Darbhanga in connection with G.O.Case No. 328 of 2019 arising out of Manigachhi P.S.Case No. 50 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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