

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52669 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- BIHIA District- Bhojpur

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DHARMENDRA SINGH @ DHARMENDRA YADAV Son of Premchand
Yadav Resident of Village - Fulai, P.S.- Bihia, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

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

The prosecution case is that the informant being the police
officer after having received an information to the effect that the
petitioner, co-accused, Munna Yadav, Gayada are preparing
mahua liquor nearby the village, laid a raid, and on seeing the
police, the accused persons fled away from the scene, but



from an open field, 28 litres of mahua liquor, two drums and plastic bags were recovered.

It is submitted by learned counsel for the petitioner that neither the said recovery has been made from the conscious physical possession of the petitioner nor the place of seizure belongs to the petitioner. Though statement to that effect has not been made in the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

After going through the case diary, it is submitted by learned APP for the State that on seeing the police party, the petitioner escaped from the place of seizure.

Considering the nature of recovery, recovery being made from an open area coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th A.D.J.- cum-Special Judge, Excise Act, Bhojpur at Ara, in connection with Excise Case No. 1223 of



2019 arising out of Bihia P.S. Case No.220 of 2019, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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