

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52289 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- PARASBIGHA District- Jehanabad

JITENDRA YADAV @ JITENDRA KUMAR Son of Ramashish Yadav
Resident of Village-Bishunpura @ Bishunpur, Police Station-Parasbigha in
the district of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Parasbigha Police Station Case No. 29 of 2019, disclosing
offences under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police, on a secret information
that the petitioner and one another person, namely, Prem Yadav,
are indulged in selling of illicit liquor, proceeded towards the
place of occurrence and upon seeing the police, the petitioner
and other fled away, however, the police recovered 20 litres of
illicit liquor from the open orchard.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case with oblique motive on the basis of the disclosure made by he Chowkidar. He further submits that the illicit liquor has been recovered from the premises, not belonging to the petitioner and the same has been recovered from an open orchard, situated in the village. He further submits that upon perusal of the First Information Report, no *prima facie* case is made out against the petitioner under the Act.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the premises belonging to the petitioner and that the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Jitendra Yadav @ Jitendra Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Jehanabad, in connection with Parasbigha Police Station Case No. 29 of 2019, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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