

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57224 of 2019**

Arising Out of PS. Case No.-31 Year-2019 Thana- DHANSOI District- Buxar

RAJU KUMAR YADAV @ RAJU YADAV Son of Kameshwar Yadav
Resident of Village - Lalchak, P.S.- Dhansoi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar Mr.Rajeev Ranjan Mr. Manish Raj Sharma
For the Opposite Party/s :		Mr.Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 09-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Dhansoi Police Station Case No. 31 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, while patrolling, spotted two motorcycles, with three persons on each motorcycles coming towards the police, intercepted them, but three persons, sitting on one of the motorcycles (Bajaj Platina), were succeeded in fleeing away and the police seized another motorcycle, Bajaj Pulsar, and recovered 27.720 litres of illicit



liquor from the said motorcycles and also arrested three persons sitting on it. The name of the petitioner has been disclosed by the arrested co-accused persons.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or the motorcycle belonging to the petitioner, and as such, upon perusal of the First Information Report and the seizure list, no *prima facie* case under the provisions of the Excise Act is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the motorcycle belonging to the petitioner and the name of the petitioner has come on the basis of the statement made by the co-accused, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, Raju Kumar Yadav @ Raju Yadav, 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 -cum- Special Judge, Excise, Buxar, in connection with Dhansoi Police Station Case No. 31 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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