

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58724 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- ROSERA District- Samastipur

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SAROJ KUMAR @ SAROJ YADAV @ SAUEMBER YADAV @
SAVEMBER YADAV Son of Shiv Kumar Yadav Resident of Ward No.- 5,
Mahuli, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Adv.
Mr.Ranjit Kumar Yadav
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rosera Police Station Case No. 14 of 2019, disclosing offence under Sections 30(a)/47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on secret information, intercepted a truck, from which illicit liquor was being unloaded in a bolero vehicle and motorcycle etc. It has further been alleged that the persons assembled there started fleeing away, however, the police arrested one person, who disclosed the name of the petitioner and others and the police recovered more than 4700



litres of illicit liquor from the truck in question.

Learned Senior Counsel for the petitioner submits that the petitioner has no criminal antecedent and he has falsely been implicated in this case due to village politics inasmuch as the wife of the petitioner is the Mukhiya of Mohaddi Nagar (East) Panchayat. He, referring to paragraph 8 of this application and paragraph 4 of the supplementary affidavit, submits that the petitioner does not have any concern with the truck or the bolero vehicle in question. He also submits that no illicit liquor has been recovered from the possession of the petitioner or the vehicle belonging to the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicle of the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, 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, Samastipur, in connection with Rosera
Police Station Case No. 14 of 2019, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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