

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62004 of 2019

Arising Out of PS. Case No.-177 Year-2019 Thana- KOTWA District- East Champaran

DHARMENDRA YADAV Son of Premchandra Yadav Resident of Village -
Jagti Jamuniya, P.S.- Kotwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kotwa Police Station Case No. 177 of 2019, disclosing offence under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that five litres of illicit liquor has been recovered by the police from the sugarcane field of the petitioner.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as from perusal of the First Information Report and the seizure list, it would be evident that the illicit liquor was



recovered from a sugarcane field, situated near the house of the petitioner, which is an open space and not from the conscious possession or inside the house of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession 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, Dharmendra 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 9th Additional Sessions Judge -cum- Special Judge, Excise, Motihari, East Champaran, in connection with Kotwa Police Station Case No. 177 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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