

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69890 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- KOTWA District- East Champaran

Gajendra Yadav, aged about 19 years, Male, S/o Belash Ray, R/o village-
Kalyanpur Wirit, P.S.- Kotwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ambuj Kumar Chandra, Adv.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kotwa P. S. Case No. 75 of 2019, registered for the offences
punishable under Sections 30(a), 35, 38 of the Bihar Prohibition
and Excise Act, 2016.

The alleged recovery is said to have been made from
the maze field of the petitioner.

Submission on behalf of the petitioner is that the
aforesaid fact does not constitute any offence of Excise Act
against the petitioner and, therefore, the anticipatory bail
petition is maintainable.

Since, the recovery has not been made either from



possession or from house of the petitioner and the alleged recovery has been made from open place, I do agree with the submission that prima facie, the fact of the present case does not constitute any offence of Excise Act against the petitioner.

Accordingly, this anticipatory bail petition is allowed and it is ordered that the petitioner, above named, in the event of his arrest/surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX cum Special Judge, Excise Act, East Champaran, Motihari in connection with Kotwa P. S. Case No. 75 of 2019, subject to conditions as laid down under Section 438(2) of the CrPC.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

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