

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79224 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- ASAON District- Siwan

Rajesh Yadav Son of Jai Ram Yadav @ Jairam, resident of village-
Pachbeheya, Police Station Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioner apprehends his arrest in Asaon P.S. case No. 48 of 2017 registered under Section 272, 273, 308 of the Indian Penal Code and under Section 30(a)/38(b) of Bihar Prohibition & Excise Act.

The S.H.O. of Asaon P.S. got secret information that huge quantity of liquor was kept in Adarsh Public School. On such the informant and other police personnel went to verify the information and found that one room of first floor of the school was locked but the Director and the Principal of the school did not turn up even on call. The lock was opened and 38 bags of liquor each containing different packs and bottles weighing 1641 liter was recovered. The villagers disclosed that Rinku Pandey, Abhishek Dubye and Rajesh Yadav, the petitioner, and others used to deal in illicit liquor.

The learned counsel for the petitioner submits that liquor was recovered from a room of the school. Nobody has seen the petitioner keeping the liquor in the room. On mere



suspicion name of petitioner and others was disclosed by the villagers. Save and except suspicion there is no material against the petitioner. Similarly situated accused Rinku Pandey has already been granted anticipatory bail vide order passed in Cr. Misc. No. 1825/2018.

Considering the facts that save and except suspicion there is no tangible material to show that petitioner had kept the liquor in the room of the school, which was found locked and possessed by the Director and Principal of the school, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan, in connection with Asaon P.S. Case No.48 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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