

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71633 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- DARAUNDA District- Siwan

1. Gautam Yadav Son of Late Indrashan Yadav Resident of Village-Indapur, P.S-Daraunda, District-Siwan.
2. Vikash Yadav Son of Ramashankar Yadav Resident of Village-Indapur, P.S-Daraunda, District-Siwan.
3. Om Prakash Yadav @ Om Prakash Kumar Son of Rama Shankar Yadav Resident of Village-Indapur, P.S-Daraunda, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Daraunda P.S. Case No. 205 of 2019, registered under Section 414 of the Indian Penal Code and Section 30(a) and 38 of the Bihar Excise Prohibition Act.

The allegation against the petitioners, as per FIR, is that on secret information that petitioners along with others are engaged in the trade of illicit liquor proceeded towards the place of occurrence, on search, recovered a total quantity of 241.92 litres of illicit liquor from *Shisham* field (*Shishauni*) situated



behind cow-shed (*Bathan*) of the petitioners.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have falsely been implicated in the present case on the basis of secret information inasmuch as the illicit liquor and the motorcycle which were recovered from place of occurrence does not belong to the petitioners. He further submits that the illicit liquor has been recovered from an open space which does not belong to the petitioner and the same is accessible to all. He further submits that petitioners have no criminal antecedent. There is no possibility of absconding and tempering with the evident.

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 petitioners, the alleged premises does not belong to the petitioner and the petitioner has no criminal antecedent, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to



the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Siwan in connection with Daraunda P.S. Case No. 205 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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