

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75017 of 2019

Arising Out of PS. Case No.-638 Year-2019 Thana- KATIHAR District- Katihar

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JITENDRA KUMAR YADAV @ JITENDRA KUMAR @ JITENDRA
YADAV Son of Lalan Yadav Resident of Village - Chowk Chama, P.S.-
Amdabad, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-11-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Nagar P.S. Case No. 638 of 2019 for the offence registered
under Section 30(a) of the Bihar Prohibition & Excise Act,
2016.

The allegation is regarding recovery of 180.12 litres
of illicit liquor from a vehicle and the driver of the said vehicle,
who was apprehended from the spot, has disclosed before the
Police that though the vehicle belongs to the co-accused person,
namely, Manish Gupta but the liquor was handed over by the
petitioner.

The learned counsel for the petitioner has submitted



that the petitioner has been falsely implicated in the present case since no recovery has either been made from his house or his vehicle inasmuch as the said vehicle admittedly does not belong to the petitioner, hence no offence is made out under the provisions of the Bihar Excise and Prohibition Act.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Katihar in connection with Nagar P.S. Case No. 638 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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