

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76115 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- LAUKAHA District- Madhubani

DEVENDRA PRASAD YADAV @ DEBIN YADAV Son of Rambilash
Yadav Resident of Mansapur, P.S.-Lalmaniya O.P District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav
For the Opposite Party : Mr. K. Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehend his arrest in connection with
Laukaha P.S. Case No. 248 of 2019 instituted for the offence
under Section(s) 272 and 273 of the Indian Penal Code and
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

05 liters and 400 ML *Nepali* wine is said to have been
recovered from a room made for storing straw and firewood at a
distance from the petitioner's house.

It is submitted by the petitioner's counsel that there is no
recovery from his possession or the house where he was
residing. Recovery is at a distance from a place to which various
people had access. Merely on suspicion, the petitioner has been
apprehended in the instant case. He is having no criminal



antecedents. The recovery is from a different place and not in accordance with law and, therefore, the allegations under the Bihar Prohibition and Excise Act are not made out.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of counsel for the petitioner.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **the Addl. Sessions Judge-II-cum Spl. Judge Excise Act, Madhubani**, in connection with **Laukaha P.S. Case No. 248 of 2019** subject to the conditions as laid down under Section 438(2) Cr. P.C., subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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