

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75101 of 2019

Arising Out of PS. Case No.-342 Year-2019 Thana- BELAGANJ District- Gaya

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BILASH YADAV @ BILASH PRASAD, Son of Devki Yadav, Resident of
Village- Jogiya Simra, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Mr. Umesh Kumar, Advocates
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 11-12-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a police officer has alleged in his written complaint that on 23.09.2019, he received a confidential information that near the brick kiln of Bilash Yadav (petitioner) in an asbestos house constructed by Bilash Yadav (Petitioner), son of petitioner Lallu Yadav and nephew Deepu Yadav are indulged in sale of illicit liquor and upon receiving said information, he reached the said place and found two miscreants who on seeing the police, fled away taking advantage of darkness and on search, large quantity of illicit foreign liquor



and two mobiles were recovered from said house.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to animosity and village rivalry and said house does not belong to the petitioner rather the same belongs to co-accused Deepu Yadav, who has already been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 25.11.2019 passed in Cr. Misc. No. 73760 of 2019 as enclosed as Annexure-4 and he is not the nephew of petitioner as stated in FIR. Neither brick kiln is owned by petitioner nor asbestos house from which illicit liquor was recovered belongs to petitioner as will appear from the documents enclosed as Annexure-2 & 3. No offence under Excise Act is made out against the petitioner as he was neither apprehended on the spot nor any illicit liquor has been recovered from his possession.

Petitioner has got no criminal antecedent and he is respectable person of the area and was elected as Mukhiya and has been falsely implicated in this case by his political rivals.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his arrest or surrender before the court below within period of four weeks from today, upon



furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Belaganj P.S. Case No.342 of 2019, subject to the condition mentioned in Section 438(2) of Cr.P.C.

(S. Kumar, J)

Sanjay/-

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