

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80319 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- DHANSOI District- Buxar

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1. SUNIL YADAV @ SUNIL SINGH Son of Ayodhya Yadav Resident of Village - Saisar, P.S.- Dinara, Distt - Rohtas.
 2. Gorelal Gond Son of Anirudh Gond Resident of Village - Saisar, P.S.- Dinara, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 10-12-2019 It has been submitted on behalf of petitioner that during pendency of this petition, petitioner No. 2 has been arrested, as such, petition as far as same relates to petitioner No. 2 has become infructuous.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner No. 1 apprehends his arrest in a case registered under Section 30(a) of Bihar Prohibition of Excise (Amendment) Act, 2018.

Informant who is the police officer has alleged in his self statement that he received an information that petitioner and other accused have kept foreign liquor in a paddy field and on



receiving said information he alongwith other police personnel reached the place of occurrence and on seeing the police party four persons who were carrying cartoons with illicit liquor on their head fled away after throwing said cartoons from which illicit liquor was recovered. The villagers assembled there named the persons who fled away as Sunil Yadav, Tulsi Paswan, Gorelal Gaur and Angad Chaudhary.

It has been submitted on behalf petitioner that he has been falsely implicated in this case on account of village rivalry and animosity. Nothing has been recovered from his possession rather recovery is from open paddy field and he has been implicated on the statement made by villagers and except said statement there is nothing against him, as such, no case under the excise act is made out against petitioner. Recovery was made in Buxar District whereas petitioner belongs to Rohtas District.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Dhansoin P.S. Case No. 162 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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