

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4885 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- DARAUNDA District- Siwan

-
1. Kanchan Yadav @ Kanchan Kumar Yadav Son of Baidyanath Yadav Resident of Village - Mahua Mahal, P.S.- M.H. Nagar, Distt - Siwan.
 2. Rahul Yadav @ Rahul Kumar Son of Lal Babu Yadav Resident of Village - Mahua Mahal, P.S.- M.H. Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Dayal, Adv.
For the Opposite Party/s : Mr.Arbind Kumar Pandey,APP84

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, on secret information having been received, it is stated by the informant that a raid was conducted and a total of 155.520 litres of IMFL is said to have been recovered from the cluster of bamboo. It is further stated that thereafter the houses of the three accused persons



including two petitioners herein, were raided but they were found to be absconding.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. Admittedly, no recovery has been taken place from the person or possession of the petitioners. The place from where the alleged recovery has taken place is an open field not under exclusive control of these petitioners. They have no concern with the recovered articles. The petitioners have no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case including that no recovery is said to have taken place from the person or possession of the petitioners and petitioners have no criminal antecedent, this Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Daraunda (M.H. Nagar) P.S. Case No. 276 of 2019 are directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional District Judge -cum- Special Judge, Siwan subject to
the conditions as laid down in section 438 (2) of Criminal
Procedure Code.

(Partha Sarthy, J)

Bibhash/-

U		T	
---	--	---	--

