

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1838 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- BHEJA District- Madhubani

SUNIL YADAV Son of Ganeshi Yadav Resident of Village - Bhargama, P.S.-
Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Bheja PS case no. 129 of 2019 registered for
the offences punishable under Sections 272, 273 of Indian Penal
Code and Section 30 (a) of Bihar Prohibition and Excise Act,
2018.

The allegation is regarding recovery of 2.250
liters of illicit liquor from a bush situated in front of the door of
the house of the petitioner.

The learned counsel for the petitioner submits
that the petitioner has been falsely implicated in the present case
and is having a clean antecedent. It is further submitted that
since the illicit liquor has been recovered from a place situated



outside the house of the petitioner, no offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner as also taking into account that *prima facie*, no offence is made out, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-IInd-cum-Special Judge, Excise, Madhubani in connection with Bheja PS case no. 129 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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