

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4649 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- GHOSI District- Jehanabad

Sanjay Yadav Son of Late Jagdish Yadav Resident of Village - Korthu, P.S.-
Telhara, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case is that the informant Bimal Kumar Rao being SI-cum-SHO, Okri O.P., on a secret information, raided the bank of Falgu river and recovered 50 litres of country made liquor and equipment used for manufacturing the same and he came to know that the petitioner and others were indulged in manufacturing the illegal liquor.

It is submitted by learned counsel for the petitioner that the recovery has been made from the bushes in village Mandal and it cannot be treated from conscious physical



possession of the petitioner and considering the same co-accused Rajesh Raut has been granted anticipatory by Co-ordinate bench of this Court vide order dated 24.10.2019 passed in Cr. Misc. No. 67103 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that prima facie the recovery appears to have been made from the conscious physical possession of the petitioner and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Jehanabad in connection with Ghosi (Okari O.P.) P.S. Case No. 241 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

