

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5934 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- RAJAOLI District- Nawada

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RAJESH KUMAR @ RAJESH YADAV Son of Sarju Yadav @ Sharju Prasad
Yadav Resident of Village - Bhaur, P.S.- Rajauli, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rajauli P.S. Case No. 401 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the prosecution that on the basis of secret information, a raid was conducted by the police, leading to the recovery of 70 liters of Mahua wine from bush near the petitioner's house. It is also alleged that when the police had reached near the house of the petitioner, two persons were found fleeing away.

Learned counsel appearing on behalf of the petitioner



has submitted that it is not the case of the prosecution that the petitioner was seen fleeing away. It is his further submission that it is also not the case of the prosecution that the place from where the recovery was made was in petitioner's possession. He accordingly contends that bar under Section 76(2) of the Bihar Prohibition and Excise Act, for grant of anticipatory bail shall have no application.

I find some substance in submission made on behalf of the petitioner to the aforesaid extent.

This application is accordingly allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Nawada in connection with Rajauli P.S. Case No. 401 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail



bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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