

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10375 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- PAKARIBARAW District- Nawada

ALAKHDEV YADAV Son of Ragho Yadav Resident of Village - Vijay Tand,
P.S.- Town Nawada, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr Anil Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-06-2020 The anticipatory bail petition has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Petitioner apprehends arrest in connection with Pakaribarawan Police Station (for brevity, *PS*) Case No 270 of 2019 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

It is alleged in the first information report that 20



liters of wine has been recovered from the dickey of the motorcycle on which the petitioner was travelling.

Petitioner's counsel submits that there is no criminal antecedent of the petitioner. It is further submitted that there is no recovery of illicit liquor from the possession of the petitioner. The story is false and fabricated and there is no compliance with the procedure prescribed under Section 100 of Criminal Procedure Code for the recovery in question. The entire case, therefore, has no legal foundation. It is also submitted that no case under the Bihar Prohibition and Excise Act is made out against the petitioner in the said circumstance.

The learned APP for the State has opposed the prayer for pre-arrest bail referring to the provisions contained in Section 76 (2) of the Bihar Prohibition and Excise Act.

Having heard the parties, this Court would consider the parameters for consideration of prayer for pre-arrest bail in terms of the Full Bench judgment of this Court in the case of *Ram Vinay Yadav -Versus- The State of Bihar, 2019 (2) PLJR 1089*.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.



Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Nawada in connection with Pakaribarawan PS Case No 270 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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