

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 8992 of 2020**

Arising Out of PS. Case No.-385 Year-2019 Thana- DEEPNAGAR District- Nalanda

BAINA YADAV @ BAUNA YADAV S/o Bipat Gope R/o village- Khakhra,  
P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar  
For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-03-2020                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

This is an application for grant of anticipatory bail  
in connection with Deep Nagar P.S. Case No. 385 of 2019,  
registered for the offence punishable under Sections 30(a) of the  
Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 534 liters of illicit  
liquor from an open filed belonging to one Dinesh Mahto.

The learned counsel for the petitioner has submitted that  
the petitioner has been falsely implicated in the present case and  
he is having a clean antecedent. It is further submitted that  
neither the illicit liquor has been recovered from the conscious  
possession of the petitioner nor the field from which the said  
illicit liquor has been recovered, belongs to the petitioner, hence,



the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Session Judge cum Special Judge (Excise), Nalanda at Bihar Sharif in connection with Deep Nagar P.S. Case No. 385 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Ajay/-

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