

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6816 of 2020**

Arising Out of PS. Case No.-409 Year-2018 Thana- JAGDISHPUR District- Bhojpur

RAJESH YADAV @ DHARMENDRA YADAV Son of Ramdev Yadav @
Ramdev Singh, Resident of Village - Neupokhar, P.S.- Jagdishpur, Distt -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madanjeet Kumar, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 31-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Jagdishpur P.S.

Case No.409 of 2018 registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant (police officer) alleged that he got
secret information that two persons were carrying liquor on their
motorcycle. On such information, a search was made but seeing
the police, both persons tried to flee away. On chase, one
person, namely, Upendra Yadav was apprehended and another
person managed to flee away. Upendra Yadav disclosed the
name of the petitioner. On search, five litres of country made
liquor was recovered from the motorcycle.

Learned counsel for the petitioner submits that the



petitioner was not apprehended on the spot and nothing can be said to have been recovered from conscious possession of the petitioner. Upendra Yadav is a labourer of the petitioner and he has got enmity with the petitioner with regard to the passage of drainage and that is why he disclosed the name of the petitioner, but it appears that the police got inputs that two persons were carrying liquor on their motorcycle and on such information the police conducted checkings of the vehicles but the petitioner, who was driving the motorcycle, managed to flee away and Upendra Yadav, who was a pillion rider, was apprehended. The apprehended accused disclosed the name of the petitioner. Five litres of country made liquor was recovered from the motorcycle.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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