

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11556 of 2020**

Arising Out of PS. Case No.-175 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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Sankar Kumar Yadav @ Shiv Shankar Kumar aged about 25 years (Male), S/o
Kishore Yadav @ Raj Kishore Yadav, R/o Village - Batraha Ward No. 26,
P.S.- Sadar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-06-2020 Heard Mr. Shiv Shankar Sharma, learned counsel for

the petitioner and Mr. Gauri Shankar Gupta, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

The petitioner apprehends his arrest in connection
with Special Case No. 595 of 2019 arising out of Excise Case
No. 175 of 2019 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that Excise
Officials on the basis of secret information raided the house of
the petitioner and recovered a total quantity of 14.250 liters of
illicit foreign liquor from the cow -shed situated at the back side
of the house of the petitioner.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch no illicit liquor has been recovered from the conscious possession of the petitioner or from inside the house of the petitioner. Learned counsel further submits that from perusal of the prosecution report it is evident that illicit liquor has been recovered from a cow -shed near the garden at the back side of the house of the petitioner, which is accessible to all and sundry.

Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from cow-shed which is accessible to all, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II – cum-Special Judge (Excise), Saharsa in connection with Special (Excise) Case No. 595 of 2019 arising out of Excise Case No. 175 of 2019 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.



It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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