

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8221 of 2020**

Arising Out of PS. Case No.-70 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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PAPPU KUMAR YADAV @ PAPPUR KUMAR YADAV Son of Chhote Lal
Yadav Resident of Village - Tirbirwa, P.S.- Gopalganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 28-02-2020 Heard learned Counsel for the petitioners and the learned
APP for the State.

Petitioner apprehend arrest in Vishambharpur PS Case No.
70 of 2019 registered under Sections 272, 273, 308 IPC and Section
30(a) of Bihar Prohibition and Excise Act, 2016.

126 liters of illicit liquor has been recovered from a
vehicle. The person who was apprehended along with the liquor is
alleged to have stated that the same belongs to the petitioner who was
riding separately on a motorcycle.

Petitioner's counsel submits that he has no concern with
the vehicle or recovered liquor in question. The implication is false
without any basis and no offence whatsoever can be made out under
the provisions of Bihar Prohibition and Excise Act.

Learned APP has opposed the prayer for anticipatory bail citing the
provisions of Section 74 of the Act prescribing bar on pre arrest bail.

Considering the rival submissions this Court is inclined to accept the
submission on behalf of the petitioner. The prayer is allowed.

In the event of arrest or surrender before the court below within
four weeks from today, let the petitioners above named 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 Additional Sessions Judge II -cum- Special Judge, Excise Gopalganj in Vishambharpur PS Case No. 70 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to the cancelled.

(Madhuresh Prasad, J)

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