

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8917 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- BAHERA District- Darbhanga

Dev Krishna Yadav @ Dev Kishun Yadav Son of Rohit Yadav @ Rohit Kumar Yadav Resident of Village - Trimuhani, Mauja - Jariso, P.S. - Bahera, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Girish Chandra Jha,, Adv.

For the Opposite Party : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with G.O. Case No. 487 of 2019 arising out of Bahera P.S. Case No. 224 of 2019 for the offence punishable under Sections 30(a), 32(3), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the recovery of 61.920 liters of illicit liquor from the back side of the house of the informant and the informant is stated to have informed the police that the accused persons including the petitioner herein had kept illicit liquor behind her house when she had gone out of her house.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted



that neither any recovery has been made from the conscious possession of the petitioner nor from his house, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court finds that no prima facie case is made out under the provisions of Bihar Prohibition and Excise Act, 2016, hence, this Court finds it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) with two sureties of the like amount to the satisfaction of learned 2nd Additional Sessions Judge-Cum-Special Judge (Excise Act), Darbhanga with G.O. Case No. 487 of 2019 arising out of Bahera P.S. Case No. 224 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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