

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8443 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- DUMARIYA District- Gaya

SURYADEO YADAV Son of Late Ramchandra Yadav Resident of Village -
Khardag, P.O.- Gotibandh, P.S.- Dumaria, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Dumariya P.S. Case
no. 35/2019 registered under section 30(a) of the Bihar Prohibition
and Excise Act.

Prosecution case alleges recovery of 10 liters country made
illicit liquor from a small shop. Chaukidar has named one Suryadeo
Yadav resident of Ambabar Panchayat as fleeing away from the place
of recovery.

Counsel for the petitioner submits that he has been
implicated for name sake. Petitioner's name is also Suryadeo Yadav.
However, he is resident of Khardag Panchayat and it is case of
mistaken identity.

Petitioner has no connection either with the shop in
question nor he is resident of Ambabar Panchayat. He has annexed



Adhar Card and Voter Identity card in support of his submission. In such circumstance, no case whatsoever has been made out against the petitioner under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section 76(2) of the Act.

Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission of counsel for the petitioner. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Special Judge Excise, Gaya in Dumariya P.S. Case no. 35/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) 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.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

s.hassan/-

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(Madhuresh Prasad, J)

