

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9096 of 2020**

Arising Out of PS. Case No.-312 Year-2019 Thana- SAHEBPUR KAMAL District-  
Begusarai

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Nandu Yadav Son of Kamo Yadav Resident of Village-Kharahat, Police  
Station-Sahebpur Kamal, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Singh  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      04-03-2020                      Heard the learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
  
in connection with Sahebpur Kamal PS case no. 312 of 2019  
  
registered for the offences punishable under Sections 413, 414  
  
of Indian Penal Code and 30(a) of Bihar Prohibition and Excise  
  
Act, 2016.

The allegation is regarding recovery of 101.625  
  
liters of illicit liquor from the house of the co-accused person  
  
namely Solanki Kumar and upon interrogation, he is stated to  
  
have named the petitioner as one of his accomplice.

The learned counsel for the petitioner has  
  
submitted that the petitioner has been falsely implicated in the



present case and is having a clean antecedent. It is further submitted that since neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the said recovery of illicit liquor has been made from his house, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioner as also taking in account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Excise Act, Begusarai in connection with Sahebpur Kamal PS case no. 312 of 2019 subject to the



conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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