

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9488 of 2020

Arising Out of PS. Case No.-271 Year-2019 Thana- CHOUTARWA District- West
Champaran

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SURENDRA YADAV Son of Late Bishnath Yadav Resident of Village-
Harpur, P.S.-Chautarwa, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Chautarwa Police Station Case No. 271 of 2019,
disclosing offence under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report is that police upon secret information,
proceeded towards the place of occurrence. When the police
reached near the market of Mantu Singh, on seeing the police
few persons started fleeing away after leaving a gallon. The
police recovered a total quantity of five litres of illicit liquor
from that gallon and upon inquiry it has been disclosed by the



local people that the person who fled away from the place of occurrence was Surendra Yadav, i.e. the petitioner.

Learned Counsel for the petitioner submits that petitioner has got no criminal antecedent and has falsely been implicated in this case. Learned Counsel further submits that illicit liquor has not been recovered from the conscious possession of the petitioner or premises belonging to the petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that liquor was not recovered from the conscious possession or premises belonging to the petitioner and the liquor was recovered from the road side, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned Special Judge, Excise, West Champaran, Bettiah in connection with Chautarwa Police Case No. 271 of 2019, subject to condition laid down under Section 438 (2) of



the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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