

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16511 of 2020**

Arising Out of PS. Case No.-63 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

BITTU KUMAR YADAV @ BITTU YADAV Son of Baldev Chaudhary
Resident of Village - Jiyay, P.S.- Siwan Muffasil, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 21-08-2020 Heard learned counsel for the petitioner and learned
APP for the State.

Perused the case diary.

The petitioner in the present case is seeking anticipatory bail in connection with Siwan Muffasil P.S. Case No.63 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that no incriminating article has been recovered from the possession of the petitioner.

Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioner.

Considering that there are materials showing recovery of illicit liquor from the Latrine attached with the house of the petitioner and huge quantity of liquor has been recovered, in view of the Bar created under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with the judgment of the Hon'ble Full Bench in the case of Ram Binay Yadav Vs. The State of Bihar reported in 2019(2) PLJR 1089, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer is refused.

In case the petitioner surrenders and prays for regular bail in the court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

