

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22572 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- UCHKAGAON District- Gopalganj

Gautam Yadav Son of Jalandhar Yadav Resident of Village - Birwath Ghuran,
P.S. - Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Ranjan

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-09-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with
Unchakagaon P.S. Case No. 57 of 2020 for the offence under
section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent.

In the instant case total 212.400 liters of foreign and
country made liquor was seized from the Bhusauli and not from
the exclusive possession of the petitioner.

Learned counsel submits that the petitioner is not
involved in the trade of liquor and he has been falsely
implicated in this case. He further submits that mandatory
section 100 of Cr.P.C. was not followed while preparing the



seizure list.

Considering the fact that the petitioner has no criminal antecedent and liquor was seized from the Bhusauli and not from the conscious or exclusive possession of the petitioner, the Court is inclined to grant anticipatory bail to the petitioner, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of communication of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 50,000/- (thousand thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd cum Special Judge, Excise, Gopalganj, in connection with Unchakagaon P.S. Case No. 57 of 2020 subject to the condition as laid down under section 438(2) of the Cr.P.C. with further condition the petitioner shall deposit Rs. 50000/- cash to the court below and the amount deposited by the petitioner shall abide by final outcome of the pending criminal case.

(Anil Kumar Upadhyay, J)

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