

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24266 of 2020

Arising Out of PS. Case No.-60 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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SIKENDRA YADAV S/o Shivilal Yadav Resident of Ward No.10, Babhain,
Bagras, P.S.-Bakhri, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE INSPECTOR OF EXCISE,
BEGUSARAI.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhanshu Kumar Lal, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Sudhanshu Kumar Lal , learned counsel for

the petitioner and Mr. Akshay Lal Pandit, learned counsel

appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with

Complaint Case No. 60 C2 of 2020 registered for the offence

punishable under Section 30(a) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.

The allegation against the petitioner is that the Excise

Officials raided the house of the petitioner and recovered a total

quantity of 164 liters of illicit foreign liquor from the straw

house situated behind the house of the petitioner.

Learned counsel for the petitioner submits that

petitioner has not committed any offence in the manner alleged



and from perusal of prosecution report it is evident that illicit liquor has allegedly been recovered from the straw house situated behind the house of the petitioner and not from inside the house of the petitioner. Learned counsel further submits that the straw house in question is situated outside the house of the petitioner and is accessible to all and sundry and no illicit liquor has been recovered from the conscious possession of the petitioner or from inside the house of the petitioner. Learned counsel further submits that petitioner has got no criminal antecedent.

Having regard to the submissions made by the parties, taking into consideration the materials available on record and the fact that illicit liquor has not been recovered from conscious possession or from inside the house of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II -cum-Special Judge (Excise Act), Begusarai / court concerned in connection with Complaint Case No. 60 C2 of



2020 , subject to the condition as laid down under Section 438
(2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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