

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25501 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- KOTWA District- East Champaran

Gajendra Yadav @ Gajendra Kumar Yadav, Son of Late Satahu Yadav
Resident of Village- Gosaibari, P.O. and P.S.- Kotwa, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-11-2020 In view of the submission and undertaking of the learned
counsel for the petitioner, at the time of hearing of this application
through Video Conferencing, that he would remove the defect(s), as
pointed out by the stamp reporter, within two weeks of starting of the
Court proceeding in physical mode, he is permitted to remove the
same accordingly.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with
Kotwa P.S. Case No. 18 of 2020, registered under Section 30(a) of
the Bihar Excise Act, pending in the court of 9th Additional Sessions
Judge-cum-Special Judge, Excise, East Champaran, Motihari.

The accusation is that on receiving secret information
about keeping the illicit liquor in the thatched shop in Mahuwaha



Market, the informant along with other police personnel reached there. On seeing the police party, one person succeeded to flee away from the hut but the local Choukidar identified him Gajendra Yadav (petitioner), as owner of the shop. On search, 12 piece each containing 180 ml and 4 piece each containing 375 ml Indian made foreign liquor and two plastic container containing 5 litres country made liquor recovered from the shop running in the hut.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot and the shop running in the hut is not belonging to the petitioner. Further submission is that petitioner has no criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within six weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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