

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27585 of 2020**

Arising Out of PS. Case No.-58 Year-2020 Thana- DARAUNDA District- Siwan

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HARENDRA YADAV, Son of Bhuti Yadav, Resident of Village- Nanda tola,
P.S.- Daraunda, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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

2 27-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Anurag Singh, learned APP for the State.

The petitioner, in the present case, is seeking pre-
arrest bail in connection with Daraunda P.S. Case No.58 of 2020
registered for the offences punishable under Sections 30(a) and
38 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 nothing has been recovered
from the conscious possession of the petitioner rather recovery



was from a Pulia of Polkhra. It is submitted that the petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears from reading of the First Information Report itself that the two Choukidars who are the local persons and villagers of the petitioner have identified this petitioner while fleeing away on reaching of the raiding party and in fact the raiding party had reached the place of occurrence situated near the house of the petitioner on an information that he was involved in storage and sale of illicit liquour, there being identification, in view of the statutory bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019(2) PLJR 1089**, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer is refused.

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



The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(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'.

