

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25774 of 2020

Arising Out of PS. Case No.-329 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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SANDEEP YADAV, Son of Sanjay Yadav, Resident of Village - Harnathpur,
P.S. - Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-10-2020 The matter has been taken up through virtual Court proceeding.

Let the defects, if any, be removed within fifteen days of the start of the physical Court.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the house of the petitioner, liquor was recovered and mother of the petitioner was apprehended at the spot.

Learned counsel for the petitioner submits that no recovery is there from conscious possession of the petitioner nor the petitioner was there. Petitioner is not the owner of the house



nor he has got criminal antecedent. Only due to police atrocity, the petitioner has been implicated in this case.

Considering the presumption of law against the petitioner as contained in Section 32 of the Act as well as considering the bar of prayer for anticipatory bail under Section 76(2) of the Act, in my view, this is not a fit case for grant of anticipatory bail.

Hence, prayer of the petitioner for anticipatory bail is refused in connection with C-III-329 of 2019 pending in the Court of learned 2nd Additional Sessions Judge-cum-Special Judge Excise, Siwan/successor Court.

However, in the event of surrender of the petitioner prayer for regular bail shall be considered without being prejudiced by this order and on its own merit.

(Birendra Kumar, J)

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