

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28926 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- SIDHWALIYA District- Gopalganj

MUNNA YADAV Son of Lalbabu Yadav Resident of Village- Kund Supauli,
P.S.- Sidhwalia, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Sidhwalia Police Station Case No. 18 of 2020, disclosing
offences under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information
Report, is that the police recovered a total quantity of 8.640
litres of illicit liquor from the bush near the pond, situated
behind the house of the petitioner

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and from perusal of the First Information Report and seizure



list, it would be evident that illicit liquor has been recovered from the bush near the pond, situated behind the house of the petitioner and not from inside the house of the petitioner. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him and from perusal of the First Information Report, no prima facie case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and illicit liquor has not been recovered from inside the house of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Gopalganj, in connection with Sidhwalia Police Station Case No. 18 of 2020, subject to the condition laid down under Section 438 (2) of the



Code of Criminal Procedure.

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

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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