

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29899 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- DERNI BAZAR District- Saran

SHAILESH KUMAR YADAV Son of Arjun Rai Resident of Village- Chotka
Baneya, P.S.- Derni, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Derni Police Station Case No. 25 of 2020, disclosing offence under Sections 30/30(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, on the basis of secret information, proceeded towards the place of occurrence and recovered 35 litres of illicit liquor from a hut, 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 he has falsely been implicated in this case with oblique



motive. 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 and/or inside the house of the petitioner and the illicit liquor has allegedly been recovered from a hut situated behind the house of the petitioner, which is accessible to all and sundry. He further submits that the procedure prescribed for search and seizure under Section 100 of the Code of Criminal Procedure, 1973, has also not been followed in this case.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and/or 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 a period of 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 2nd Additional Sessions Judge -cum- Special Judge, Saran, at Chapra, in connection with Derni



Police Station Case No. 25 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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