

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70551 of 2019**

Arising Out of PS. Case No.-163 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Ramu Yadav @ Ram Babu Yadav, Son of Baban Yadav @ Badan Yadav,  
Resident of Village-Bangra, Police Station-Raghunathpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

4      09-06-2020                      The matter has been taken up through virtual Court proceeding.

Heard Mr. Raghav Prasad, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the self statement of S.I., Abhimanyu Kumar recorded on 09.08.2019 at 4.10 P.M., is to the effect that on the same day, a confidential information was received that the liquor is being transported, consequently, a raid was laid and from a truck, Scorpio vehicle, Santro car and four



motorcycles, altogether 1942.92 litres of Indian made foreign liquor were recovered. The accused persons managed to escape from scene but the informant came to know that 11 accused persons including the petitioner managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner. There is nothing on record to suggest that any of the vehicles seized belong to the petitioner, statement to that effect has been made in paragraph 10 of the petition and similarly situated co-accused Abhimanyu Yadav and Lakhan Yadav have been granted anticipatory bail by Co-ordinate bench of this Court vide Cr. Misc. No. 79727 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner managed to escape from the scene and huge quantity of liquor has been recovered.

Considering the suspicious nature of accusation, there is nothing on record to suggest that any of the seized vehicle belong to the petitioner and similarly situated co-accused persons have been granted anticipatory bail, coupled with the



statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Raghunathpur P.S. Case No. 163 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Raghunathpur P.S. Case No. 163 of 2019, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

**(Dinesh Kumar Singh, J)**

DKS/-

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