

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83327 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- MANJHAGARH District- Gopalganj

DILIP YADAV @ DILIP KUMAR YADAV S/o- Omkar Yadav @ Hankar
Yadav Resident of Dharam Parsa, P.S.- Manjhagarh, District- Gopalganj.
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Manjhagarh P.S. Case No. 237 of 2019 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 30.420 litres of
illicit wine from a bag seized by the Police and the Choukidar is
stated to have identified the persons who had fled away, one
amongst them being the petitioner herein.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present case
and he is having a clean antecedent. It is further submitted that
neither the illicit liquor seized by the police has been recovered
from the conscious possession of the petitioner nor from his house
and in fact the petitioner has not been apprehended from the spot,
hence no offence is made out under the provisions of the Bihar



Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie* this Court finds that a bare perusal of the FIR does not make out any offence as alleged against the petitioner under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present bail petition is concerned, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Manjhagarh P.S. Case No. 237 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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