

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3157 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- HUSSAINGANJ District- Siwan

DHARMENDRA YADAV Son of Chandradeo Yadav Resident of Village -
Habib Nagar, P.S.- Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Hussainganj Police Station Case No. 297 of 2019, disclosing offence under Sections 30(a)/38(1)/41(1) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information, proceeded towards the place of occurrence and recovered 95.4 litres of illicit liquor from the pucca boring drainage of the State.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case on the basis of the fact that the name of the petitioner has been disclosed by the villagers. He further submits that the petitioner has got no criminal antecedent of the same nature and no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him. He further submits that from perusal of the First Information Report, it is evident that the illicit liquor has been recovered from the State Boring, which is accessible to all.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent of the same nature and nothing has been recovered from the conscious possession of the petitioner or the premises belonging to him and similarly situated co-accused person, Uma Shankar Pandit, has been granted anticipatory bail by a Bench of this Court by order, dated 18.02.2020, passed in Criminal Misc. No. 85645 of 2019, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Dharmendra Yadav, in the event of his arrest or surrender before the Court below within four weeks, 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, Excise, Siwan, in connection with Hussainganj Police Station Case No. 297 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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