

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86900 of 2019

Arising Out of PS. Case No.-402 Year-2019 Thana- HARNAUT District- Nalanda

SANTOSH YADAV Son of Vijay Yadav Resident of Village- Pakariya Bigha
(Belwapar), P.S.- Harnaut (Gokhulpur O.P.), Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Harnaut (Gokhulpur) P.S. Case No. 402 of 2019, registered for the offence punishable under Sections 30(a) (d) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of equipments used for making liquor as also certain utensils and gas cylinder from the room of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is submitted that no liquor has been seized from the house of the petitioner, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. It is



submitted that though the petitioner is an accused in one other case, but he is on bail in the said case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge Cum Special Judge (Excise), Nalanda at Biharsharif in connection with Harnaut (Gokhulpur) P.S. Case No. 402 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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