

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86135 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- KAJRA District- Lakhisarai

1. Sanjeev Kumar (M) aged about 21 years , Son of -Narayan Yadav
2. Rakesh Yadav (M) aged about 25 years, Son of- Musaharu Yadav
3. Swarath Yadav @ Swarth Kumar (M) aged about 28 years, Son of Musaharu Yadav
4. Narayan Yadav (M) aged about 60 years, Son of -Tila Yadav
5. Satish Kumar (M) aged about 25 years, Son of- Narayan Yadav
6. Pramod Yadav (M) aged about 26 years, Son of -Pappu Yadav @ Pappu
All Resident of Village- Jankidih, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Kajra P.S. Case No. 112 of 2019 registered for the offence punishable under Sections 272/273/290 of the Indian Penal Code, 1860 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioners as per the First Information Report is that the Police during the course of search and raid proceeded towards the village- Laxminiya and upon seeing the Police party some persons started fleeing away and when the Police reached near an open field (Bahiyar), the Police found that 20 liters of illicit *Mahua* liquor was kept in a plastic



gallon. Altogether fourteen accused persons have been named in the F.I.R. on the basis of disclosure made to the Police based upon secret information.

Mr. Sanjeev Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case on the basis of secret information received by the Police. Learned counsel further submits that from perusal of the F.I.R. and the seizure list it would be evident that illicit liquor has been recovered from an open field (Bahiyar) which is accessible to all and sundry. Learned counsel further submits that the field from where illicit liquor has been recovered does not belong to the petitioners. Learned counsel submits that no illicit liquor has been recovered from the conscious possession of the petitioners or the premises belonging to them. Learned counsel referring to order dated 23.01.2020 passed in Cr. Misc. No. 87138 of 2019 submits that similarly situated co-accused person namely, Sharvan Tanti (accused no. 2) has been granted bail by this court.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioners and similarly situated co-accused



person has been granted bail by this court and the petitioners have got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge Excise, Lakhisarai in connection with Kajra P.S. Case No. 112 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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