

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85352 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- CHANDI District- Bhojpur

1. Amarjeet Yadav S/o Vijendra Yadav
2. Dinesh Yadav
3. Umesh Yadav Both Sons of Ramgovind Yadav All Resident of Village-Salempur, P.S.- Chandi, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners are apprehending their arrest in Chandi P.S.
Case no. 122/2019 registered under section 30(a) of the Bihar
Excise Prohibition and Excise Act and sections 272, 273/34
IPC.

10 liters country made liquor is alleged to have been
recovered from river side. Petitioners have been implicated on
the names being disclosed by other persons of the locality.

Counsel for the petitioners submits that having no
criminal antecedent, petitioners have been implicated only on
such statement of strangers. They have no connection with



alleged recovery. There is no connection of the petitioners from recovery in question and they have also not been apprehended at the spot.

By no stretch of imagination any case under Bihar Prohibition and Excise Act would be made out against the petitioners on the basis of allegation made in the F.I.R and in view of submissions which have been taken over.

Learned A.P.P. opposed the prayer by referring to section 76(2) of the Act and submitted that prayer for anticipatory bail would not be maintainable.

Considering the law stated in the Full Bench decision of this court in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) PLJR 1089 this Court, for limited purpose of anticipatory bail, is inclined to accept the submissions of counsel for the petitioners. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge IV-cum-Special Judge, Excise Act, Bhojpur at Ara in Chandi P.S. Case no. 122/2019 subject to the condition under section 438(2)



Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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