

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86273 of 2019

Arising Out of PS. Case No.-285 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Hero Yadav @ Subodh Kumar S/O Prasad Yadav Resident of Village -
GopiBigha, Police Station - MagadhMedical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case No. 285 of 2019 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016 and Section 25(1-b)a and 26
of Arms Act.

The allegation against the petitioner as per First
Information Report is that the police got a secret information
that the petitioner alongwith other accused persons have stacked
illicit liquor in a field, the police proceeded towards the place of
occurrence and recovered a total quantity of 140 liters of illicit
English liquor alongwith a Sten gun from the open field meant



for keeping grains belonging to Prashad Yadav. It has further been alleged that police thereafter raided the house of Prashad Yadav but did not recover any incriminating material from his house.

Learned counsel appearing on behalf of petitioner submits that petitioner has got no criminal antecedent and he has been implicated in this case merely on the basis of fact that he happens to be the son of Prashad Yadav. He further submits that no illicit liquor or arms has been recovered from the conscious possession or place belonging to the petitioner and from perusal of the F.I.R. it would be evident that no incriminating material has been recovered from the house of Prashad Yadav where the petitioner also resides and illicit liquor and five arms have been recovered from open filed which is accessible to all.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession or premises belonging to the petitioner and the illegal arm has been recovered from the open filed (Khalian) belonging to the father of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Gaya in connection with Magadh Medical P.S. Case No. 285 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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