

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1156 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- BIRAUL District- Darbhanga

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PRADEEP KUMAR YADAV S/o Lalo Yadav R/V- Kodhali, P.S.- Biraul,
Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as per the the written report of Laxmikant, SI of Police, Biraul Police Station submitted to the Inspector-cum-SHO, Biraul Police Station is to the effect that on 25.7.2019, a secret information was received by the



informant that the petitioner along with Amit Kumar Ray and Pampo Ray are involved in illegal sale of liquor and have unloaded liquor near Darweshwar Nath temple, whereafter a raid was laid and 241.875 litres of liquor was recovered from the agricultural field near the temple.

It is submitted by learned counsel for the petitioner that the recovery has been made from an open area. Though the statement has been made in paragraph 3 of the petition that the petitioner is accused in one another case of Bihar Excise and Prohibition Act, 2016 but in the supplementary affidavit filed today, it has been stated that due to mistake wrong case number has been mentioned in paragraph 3 of the main petition and the same be read as Biraul P.S. Case No. 239 of 2017 under Sections 302/34 of the IPC and in the said case petitioner is on bail.

Learned APP submits that on secret information, raid was laid and recovery of illicit liquor was made.

Considering the fact that the recovery has been made from an open area, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned ADJ -cum-Special Judge, Excise,
Darbhanga in connection with G.O. Case No. 758 of
2019/Biraul P.S. Case No. 204 of 2019 subject to the
conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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