

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20827 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Nitish Yadav Son of Ram Pravesh Yadav @ Ram Pravesh Chaudhary
Resident of Village - Vishunpurava, P.O. - Sarsar, P.S.- Siwan Muffasil,
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 29-11-2021 Let the defects, if any, be removed within four weeks
after complete start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

Recovery of liquor is alleged from behind the house
of the petitioner which is open place.

Submission is that prosecution report has been
submitted without proper investigation of the case. The place of
recovery is accessible by anyone. The petitioner has stated on
oath that he has got no criminal antecedent.



Considering lack of direct material against the petitioner to have committed offence under the Bihar Prohibition and Excise Act, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Siwan Excise Case No. C-III-175 of 2020, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

Mkr./-

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