

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21784 of 2021

Arising Out of PS. Case No.-163 Year-2019 Thana- SABAUR District- Bhagalpur

HIRA LAL YADAV @ HIRA YADAV Son of Anirudh Yadav @ Anurudh Yadav Resident of Village - Mahadevran, P.S.- Mirzachowki, District - Sahibganj (Jharkhand). Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2021 Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sabour P.S. Case no. 163 of 2019 instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case relates to recovery of 171 litres of IMFL and 400 litres of country made liquor from a stone chips loaded trailer.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. In



fact, petitioner belongs to Jharkhand and is a staff of a bonafide licensee wine shop of Jharkhand State, where there is no prohibition of use, sell and purchase of wine. Hence, case registered under the Bihar Prohibition & Excise Act would not attract against the petitioner.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Sabour P.S. Case no. 163 of 2019, he will be enlarged on 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 2nd Additional District & Session Judge-cum-Special Judge, Excise, Bhagalpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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