

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29995 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- BIHPUR District- Bhagalpur

1. GAURAV YADAV @ GAURAV KUMAR YADAV Son of Navin Yadav @ Naval Kishor Yadav @ Naval Yadav Resident of Village- Lattipur, P.S.- Bihpur, District- Bhagalpur.
2. Saurav Yadav @ Saurav Kumar Yadav Son of Navin Yadav @ Naval Kishor Yadav @ Naval Yadav Resident of Village- Lattipur, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Davendra Kumar Pandey, Advocate.
For the State	:	Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 01.06.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Saurav Yadav alias Saurav Kumar Yadav, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.2, namely, Saurav Yadav alias Saurav Kumar Yadav, for granting him the privilege



of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Saurav Yadav alias Saurav Kumar Yadav.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Saurav Yadav alias Saurav Kumar Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, apprehends his arrest in connection with Bihpur P.S. Case No.17 of 2021 registered under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2018, pending in the court of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur.

The accusation is of recovery of two cartoons, each containing 24 bottles of 375 ml. Indian Made Foreign Liquor,



from the cattle shed belonging to the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, and his brother, namely, Saurav Yadav alias Saurav Kumar Yadav.

Learned counsel for the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, submits that, in fact, the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, and his brother, namely, Saurav Yadav alias Saurav Kumar Yadav, were not apprehended on the spot rather their name has been disclosed by one Raja Kumar of their village. Further submission is that the cattle shed from which the alleged recovery is said to be made is not belonging to the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, and his brother, namely, Saurav Yadav alias Saurav Kumar Yadav, rather the same is belonging to the general public.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, I am not inclined to grant the privilege of pre-arrest bail to the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav. Accordingly, the prayer of the petitioner no.1, namely, Gaurav Yadav alias Gaurav Kumar Yadav, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.1,



namely, Gaurav Yadav alias Gaurav Kumar Yadav, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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