

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46903 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- FATEHPUR District- Gaya

Kapil Yadav S/O Nanhak Yadav R/O Village- Kathautiya Kewal, P.S.-
Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-12-2021 Let the defects, if any, be removed within four weeks
of the 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 connection
with Fatehpur P.S. Case No.176 of 2019, registered for the
offences punishable under Sections 272/273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act.

From the motorcycle of the petitioner liquor was
recovered. Though the petitioner has got no criminal antecedent
considering presumption of law against the petitioner as
contained in Section 32 of the Bihar Prohibition and Excise Act
as well as bar of prayer for anticipatory bail under Section 76(2)



of the said Act, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within four weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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