

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39684 of 2020

Arising Out of PS. Case No.-348 Year-2020 Thana- BASANTPUR District- Siwan

NAWAL YADAV @ NAWAL RAY, son of Vinda Ray @ Binda Yadav R/v.-
Suryapura, P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-06-2021 Heard Mr. Yogesh Chandra Verma, learned

senior Advocate for the petitioner and Mr. Umeshanand

Pandit, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Basantpur P. S. Case No. 348
of 2020, instituted for the offences under Sections 272,
273 and 308 of the Indian Penal Code and Section 30
(A) of Bihar Prohibition and Excise Act, 2016.

According to the F.I.R., a raid was conducted in
the sweet-shop of one Anil Sah. Later, the police went in
front of the shop, selling Chinese eatables, belonging to
the petitioner. Seeing the police party, the petitioner is



said to have thrown a jerkin in a pool of water. When the jerkin was taken out, it was found to contain four litres of locally brewed *mahua* liquor.

The learned counsel for the petitioner has submitted that beyond the aforesaid accusation, there is no other material to connect the petitioner with the alleged offence. The jerkin containing *mahua* liquor was taken out from a water body and therefore cannot be stated to be recovered from the possession of the petitioner.

The learned counsel for the petitioner further submits that a story has been developed about the petitioner having thrown a gallon containing liquor only for justifying the raid of the police. It appears that the petitioner is being prosecuted in this case only as a cover up of the action of the police in raiding certain shops in a locality.

The petitioner does not have criminal antecedents.



The learned senior Advocate of the petitioner, therefore, submits that no offence under anyone of the Sections of the Excise Act can, at all, be said to have been made out.

Considering the afore-stated facts the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Special Judge Excise, Siwan, in connection with Basantpur P. S. Case No. 348 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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