

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5106 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

GAUTAM YADAV, SON OF SARYUG YADAV RESIDENT OF VILLAGE
RATAN PARAULI „POLICE STATION- BHAGWANPUR HAT, DISTRICT
-SIWAN,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-09-2021 Heard Mr. Sanjay Kumar Pandey, learned
advocate for the petitioner and Mr. Syed Mojibur
Rahman, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bhagwanpur Hat P. S. Case No.
164 of 2020, dated 15.07.2020, instituted for the
offences under Sections 30(a) and 41(1) of the Bihar



Prohibition and Excise Act, 2016.

5 litres of liquor is said to have recovered from near the tubewell and the petitioner is alleged to have run away from there at the time of the raid.

Since the recovery is from an open space and the accusation of the petitioner is only on suspicion, it has been urged that the offence under the Excise Act cannot be said to have been made out against the petitioner.

The petitioner does not have criminal antecedents.

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 District and Sessions Judge – II cum Special Judge



Excise, Siwan, in connection with Bhagwanpur Hat P. S.
Case No. 164 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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