

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6554 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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VISHOK YADAV S/O Subhash Chandra Yadav Resident of Village - Jimrahi,
Sonapur, Ward No. 03, P.S. - Narpatganj, Dist. - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Forbesganj Circle Excise
Case No. 7/2020 registered for the offence
punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 7.800
liters of illicit liquor from the motorcycle of the
petitioner.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has
been falsely implicated in the present case and he



is having a clean antecedent. The learned counsel for the petitioner has further submitted that when the petitioner was at Delhi, the motorcycle of the petitioner was found and searched near the Nepal border and 7.800 liters of illicit Nepali country made liquor was recovered, hence, the fact is that the recovery of illicit liquor has neither been made from the conscious possession of the petitioner nor from his house.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record and I find that there is a direct allegation against the petitioner inasmuch as the illicit liquor has been recovered from the motorcycle of the petitioner. Considering the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to approach the learned court below for grant of regular bail.

Accordingly, the present petition stands



disposed of as not pressed, however, in case the petitioner surrenders before the learned court below within a period of four weeks from today and prays for grant of regular bail, the learned court below shall consider the prayer of the petitioner for grant of bail sympathetically and dispose of his application on the very same day of filing of the same.

(Mohit Kumar Shah, J)

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