

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79422 of 2019

Arising Out of PS. Case No.-299 Year-2019 Thana- GIRIYAK District- Nalanda

1. JITU YADAV, Son of Rupa Yadav Resident of Village- Giriyak, Nichali Bazar, P.S.- Giriyak, District- Nalanda.
2. Baiju Yadav, Son of Rupa Yadav Resident of Village- Giriyak, Nichali Bazar, P.S.- Giriyak, District- Nalanda.
3. Satyendra Yadav, Son of Rupa Yadav Resident of Village- Giriyak, Nichali Bazar, P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-08-2021 Heard Mr. Ashok Kumar, learned advocate for

the petitioners and Rajesh Kumar, learned APP for the

State.

Three petitioners had approached this Court for grant of anticipatory bail. Petitioner no. 2 was arrested during the pendency of this application and his petition, therefore, was dismissed as having become infructuous.

The petitioner nos. 1 and 3 seek bail in anticipation of their arrest in connection with Giriyak P. S. Case No. 299 of 2019, dated 23.08.2019, instituted



for the offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

All the petitioners are sons of Rupa Yadav. On secret information to the police that Rupa Yadav and his sons are trading in liquor unauthorizedly, a raid was conducted in a half-constructed building by the side of the house of the petitioners. From there, liquor and fire arm weapons were recovered.

The learned advocate for the petitioner nos. 1 and 3 has submitted that the recovery of liquor is not from the residential house of the petitioners but from a half-constructed building by the side of the residential house of the petitioners. With respect to the fire arm weapons, a separate case has been instituted in which the petitioner nos. 1 and 3 have been granted bail.

All the other accused persons of this case have been granted bail by the court below.

The petitioner nos. 1 and 3 have no criminal antecedents.



It has thus been submitted that the recovery is from a dilapidated / half-constructed building by the side of the residential house of the petitioner which can not be saddled upon them.

Baiju Yadav, on his arrest, has been granted bail by the court below.

Regard being had to all the above-noted facts, it has been urged that the offence under the Excise Act, as against petitioner nos. 1 and 3 cannot at all be said to have been made out.

For the reasons afore-stated, the petitioner nos. 1 and 3, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 3rd, Nalanda at Biharsharif, in connection with Giriyak P. S.



Case No. 299 of 2019, 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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