

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18003 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- JADOPUR District- Gopalganj

RAJU YADAV, S/O PURAN YADAV R/O VILLAGE-GAMHARIA
NAWADA, P.S.-YADAVPUR, DISTRICT-GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-01-2022 Heard Mr. Harendra Prasad, learned Advocate

for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Yadavpur P. S. Case No. 190 of 2020, instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4.550 litres of liquor is said to have been recovered from a bush situated behind the make-shift shop of the petitioner.

The learned Counsel for the petitioner has submitted that he has clean antecedents and the recovery of liquor from an open space cannot be saddled



upon him.

On these grounds, it has been urged that the offence under the Excise Act cannot, at all, be said to have been made out against the petitioner.

For the reasons aforesaid, the petitioner, above-named, in the event of his arrest or surrender before the court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise, Gopalganj, in connection with Yadavpur P. S. Case No. 190 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

This petition stands allowed.

(Ashutosh Kumar, J)

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