

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9109 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- BAIRIYA District- West Champaran

1. Umesh Yadav, Son Of Madan Yadav Resident Of Village - Fatuchaper Ahir Tola, P.S.- Bairiya, Distt.- West Champaran.
2. Anil Yadav, Son Of Daroga Yadav Resident Of Village - Fatuchaper Ahir Tola, P.S.- Bairiya, Distt.- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-09-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application of petitioner no.1 namely, Umesh Yadav.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

Heard learned counsel for the petitioner no.2 and learned APP for the State.

The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the



petitioner no.2 has antecedent of two cases and the allegation is of recovery of 48.780 lites of liquor from sacks.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the recovery was made from the government land with which petitioner has no concern. It is next submitted that since the land belongs to the government, the police should investigate that who was the government authority incharge of the said land and should proceed against him, failing which it would be presumed that police selectively implicates and when recovery is made from government land, no action against the government authorities are taken.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Be that as it may, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bairiya P. S. Case



No.87 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

