

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24291 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- SINGHIYA District- Samastipur

BAIJNATH YADAV @ BAIJNATH KUMAR YADAV S/O RAM PRAGAS
YADAV @ RAM PRAKASH YADAV R/O VILLAGE-BASUAA, P.S.-
SINGHIYA, DISTRICT-SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr. AAP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 18-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Singhiya P.S. Case no. 165 of 2020 instituted for the
offence punishable under Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

As per allegation in the FIR, 22 litres of IMFL has



been recovered from the courtyard of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious physical possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is having one criminal antecedent for the similar offence under excise act.

Having heard learned counsel for the parties and taking into consideration that the house, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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