

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29928 of 2021**

Arising Out of PS. Case No.-69 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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PRABHAKAR YADAV S/O BUCHHAN YADAV RESIDENT OF
VILLAGE USRI, WARD NO. 9, PS GOGRI, DISTRICT KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the Opposite Party/s : Mr. APP

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

2 09-02-2022 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 Excise Case No. 69C3 of 2020 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case relates to recovery of 314.70 litres



country made wine from 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. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner, 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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