

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29076 of 2021

Arising Out of PS. Case No.-379 Year-2019 Thana- BARAULI District- Gopalganj

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KHUSHIYAL YADAV @ KHUSHIYALI CHAUDHARI Son of Late Mishri
Yadav Resident of Village - Kaithwaliya, P.S.- Gopalganj Town, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-07-2022 By order dated 06.06.2022, case diary was called for

but the same has not been received, as such, the Court proceeds

to take-up the case on its own merit.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Excise Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

Allegation is of recovery of 21.78 litre of liquor from
the motorcycle which belong to the petitioner.



Learned counsel for the petitioner submits that petitioner was not apprehended from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that even the motorcycle was stolen prior to the occurrence for which made effort to lodge an FIR but the police did not register the same, as such, the petitioner had to file an informatory petition in the Court of learned Chief Judicial Magistrate. It is next submitted that petitioner was completely unaware that he has been implicated in a case relating to liquor based on the fact that it was recovered from his motorcycle when the same admittedly was stolen on the date of the occurrence for which an informatory petition was filed a little belated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, 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, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Barauli P.S. Case No. 379 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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