

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34936 of 2021

Arising Out of PS. Case No.-697 Year-2020 Thana- MASAUDHI District- Patna

GAUTAM YADAV Son of Upendra Yadav Resident of Village - Ram Nagar,
P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-01-2022 Heard Mr. Satrudhan Kumar, learned Advocate
for the petitioner and Mr. Dr. Kumar Uday Pratap,
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Masaurhi P.S. Case No. 697 of 2020 dated 15.11.2020 instituted for the offences under Section 30(a) of the Bihar Prohibition & Excise Act (Amendment) 2018.

174.960 litres of liquor is said to have been recovered from the toilet tank of a semi-constructed house belonging to the petitioner.

The learned counsel for the petitioner has submitted that the house was not being used for residential purposes and the construction also is not complete.



In such a situation, the possibility of the seized articles having been kept by somebody else cannot be ruled out.

The petitioner does not have criminal antecedents.

However, these grounds do not impress this Court for granting anticipatory bail to the petitioner from whose constructive possession, the recovery has been made.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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