

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40729 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

=====

RAHUL YADAV @ RAHUL KUMAR YADAV Son of Vinod Yadav Resident
of village- Bela Shankar, P.S- L.M.N.U, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act and Sections 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 744.48 litres liquor and 600 grams of marijuana from the joint house of Upendra Yadav and Lalu Yadav, 13.5 litres liquor from Chaitu Paswan's house, 13.5 litres liquor along with four liters beer from Raju Yadav's cowshed and 115.855 liters liquor from petitioner's house.

Learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner is a labour working in Delhi and he was not present at the place of occurrence, learned counsel draws the attention of the Court to order dated in 16.06.2020 in Criminal Miscellaneous No.559 of 2020 (Raju Kumar @ Raju Kumar Yadav Vs. The State of Bihar) to submit that another similarly situated co-accused has been granted privilege of anticipatory bail.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that Raju Kumar was granted anticipatory bail on the ground that the alleged recovery was made from the joint cattle-shed of the petitioner whereas in the present petition there is nothing on record to even remotely suggest that the house from which the alleged recovery has been made was a joint family property.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

Rishi/-

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

