

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41367 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- ATHMALGOLA District- Patna

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1. SANJAY YADAV @ MANIK CHANDRA S/o Rajendra Yadav R/o village- Chanda, P.S.- Athmalgola, District- Patna
 2. Raja Yadav S/o Sanjay Yadav @ Manik Chandra R/o village- Chanda, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-08-2022 Learned counsel for the petitioners, at the outset, seeks permission to withdraw the prayer for anticipatory bail of petitioner no. 1, namely, Sanjay Yadav as he has been arrested.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

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

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner no. 2 submits that



petitioner no. 2 is a person with clean antecedent and is son of petitioner no. 1.

Allegation is of recovery of 4.875 litre of liquor from a sack which was kept on a motorcycle and 9.375 litre of liquor and 22.500 litre of Soda Water from the house of petitioner no. 1.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 was not arrested from the spot, as such, nothing was recovered from his conscious possession. He further submits that the alleged house belongs to the petitioner no. 1 i.e. his father from where the alleged recovery was made and petitioner no. 2 being the son of petitioner no. 1 has been made an accused when admittedly he is a young boy of 24 years of age with clean antecedent and is a student as has been pleaded at para 10 of the anticipatory bail application.

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 no. 2, the petitioner no. 2 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 Athmalgola P.S. Case No. 152 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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