

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49683 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- HASANPUR District- Samastipur

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MAHESH YADAV @ MAHESH PRASAD YADAV @ MAHESH PD.
YADAV Son of Ram Sagar Yadav Resident of village - Paroriya, P.S.-
Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 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 Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 19.860 liters liquor from the house of the petitioner.

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 the house from which the alleged recovery was
made is a joint family property as specifically pleaded at
paragraph '9' of the anticipatory bail application and thus it



cannot be presumed and alleged with certainty that it was the petitioner who had kept the liquor in the house. Learned counsel next submits that even the seizure list is in breach of Section 62 of the Excise Act as the place from where the alleged recovery is shown has not been seized.

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, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hasanpur P.S. Case No. 167 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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