

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55500 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- BENIPATTI District- Madhubani

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SANJAY YADAV S/o Ram Chandra Yadav R/o Village- Mahmadpur, P.S.-
Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Benipatti P.S. Case no. 04 of 2022 instituted for the offence punishable under Section 272, 273, 34 of the Indian Penal Code and Section 30(a) & 44 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 07 litres country made foreign liquor from the house of the petitioner and 15.6 liters country made liquor from straw of rice which is adjacent to the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent.



Petitioner has no concern with the alleged recovery of illicit liquor. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the seized liquor has been recovered from the house of the petitioner.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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