

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1693 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- KURTHA District- Jehanabad

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1. DHANANJAY YADAV @ BHURA Son of Chhote Narayan Yadav Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 2. Girjanand Yadav Son of Late Raghunandan Yadav Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners, at the outset, submits that during the pendency of the anticipatory bail application, petitioner no. 2 Girjanand Yadav was arrested, as such, prayer for anticipatory bail against him has become infructuous, thus, seeks permission to withdraw the same against the petitioner no. 2.

Permission is accorded.

The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 30(a)(b) and (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner no. 1 submits that the petitioner no. 1 has antecedent of one case.

Allegation is of recovery of 15 litres of fermented Mahua



near Gulariyachak Pool and 5 litres of liquor for the said place.

Learned counsel for the petitioner no. 1 further submits that petitioner no. 1 was not apprehended from the spot, as such, nothing was recovered from his conscious possession and his name was disclosed by the local people and Chawkidar with whom he was on an inimical term.

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. 1 and the fact that the recovery was in a public place, the petitioner no. 1 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.1,000/- (Rupees One 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 Excise Case No. 1034 of 2021 arising out of Kurtha P.S. Case No. 178 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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