

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6595 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- ARA NAGAR District- Bhojpur

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ROHIT KUMAR YADAV @ ROHIT KUMAR S/O MUNNA YADAV @
MUNNA KUMAR Resident of Village- Shital Tola, P.S.- Ara Town, District-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Ara Town Police Station Case No. 470 of 2022,
dated 29.05.2022, disclosing offence under Section 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information that
the petitioner used to sell illicit liquor by keeping the same in
the graveyard at Shital Tola, proceeded towards the place of
occurrence and upon seeing the police party, one person
succeeded in fleeing away and the police recovered a total
quantity of 14.13 litres of illicit liquor.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and his name has transpired on the basis of information given by the spy to the police. He further submits that nothing has been recovered from the possession and/or premises of the petitioner; rather, the illicit liquor has been recovered from a graveyard, which is an open space and is accessible to all and sundry. He next submits that the petitioner has got no criminal antecedent.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and the illicit liquor has been recovered from the graveyard, which is an open space, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Court, Bhojpur, at Ara, in connection with Ara Town Police Station Case No. 470 of 2022, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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