

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25802 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- BUXAR District- Buxar

TELHU YADAV @ JITENDRA YADAV Son of Lal Babu Yadav R/O Vill.-
Bhola Baba Ke Uttar, Ward No.- 15, Chhot Ki Sarimpur, P.S.- Buxar (T),
District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Buxar (Nagar) Police Station Case No. 07 of 2023 dated 04.01.2023, disclosing offence under Sections 30 (A) of the Bihar Prohibition and Excise (Amendment) Act, 2018 (hereinafter referred to as 'the Act').

The allegation against the petitioner, as per the First Information Report, is that on 03.01.2023, during the night patrolling, the police intercepted three persons who were carrying a bag on their head and after the seeing the police party they started fleeing away, however, after chase, one person was arrested and two succeeded in fleeing away and upon search, the



police recovered 141.48 liters of country made liquor as well as English liquor from the bags thrown by the accused persons. The arrested person disclosed the names of the petitioner and others.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused person. He further submits that no illicit liquor has been recovered from his possession and/or from premises belonging to him.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the name of the petitioner has come on the basis of disclosure made by the arrested co-accused person, no illicit liquor has been recovered from the possession of the petitioner, accordingly, 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 four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge, Excise Act, Busar, in connection with Buxar (Nagar)



Police Station Case No. 07 of 2023, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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