

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35831 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Pappu Yadav S/O Baliram Yadav aged about 22 years, Male R/O Kausar Bagicha, P.S- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Raghunathpur P.S. Case No. 125 of 2021 dated 14.07.2021, instituted for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Allegation is of recovery of 20 litres country made liquor and 4.15 litres of foreign liquor from the hut of the petitioner situated at Diara but petitioner successfully fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that no liquor has been recovered from the conscious possession of the petitioner and it has been wrongly stated that the hut situated in Diara land belongs to the



petitioner. The fact is that Diara land and the said hut do not belong to the petitioner. The seizure list was not made in the presence of independent witnesses rather in presence of two *Chowkidars* which is against the provision of Section 100 Cr.P.C.. Lastly, it has been submitted that he has one criminal case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Raghunathpur P.S. Case No. 125 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II, Siwan in Raghunathpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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