

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39119 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- LADANIA District- Madhubani

ASHOK YADAV son of RAMSHOBHIT YADAV RESIDENT OF
VILLAGE- YOGIYA, SIMARA TOLE, PS- LADANIYA, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Ladaniya Police Station Case No. 83 of 2023, dated 09.04.2023, disclosing offence under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner along with other accused persons have stored illicit liquor in a bamboo clump situated on the west side of Yogiya Simra Tola, arrived at the place of occurrence and recovered



198.045 liters of illicit liquor and on arrival of the police party, accused persons fled away. Upon enquiry, the police came to know that the persons who fled away from the place of occurrence were Ashok Yadav and his associates.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information and no illicit liquor has been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. He next submits that liquor has been recovered from the public place which is open and accessible to all and sundry.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and/or from premises belonging to him, 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 District and Sessions Judge II



-cum- Special Judge, Excise Act, Madhubani, in connection with Ladaniya Police Station Case No. 83 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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