

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46345 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- BARACHATTI District- Gaya

SURESH YADAV SON OF SUKUR YADAV RESIDENT OF VILLAGE
PADUMCHAK POST OFFICE BARACHATTI PS BARACHATT
DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Barachatti PS Case No. 320 / 2023 dated 28-03-2023 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, Police received a secret information that near Durga Mandir in the village Padumchak, Suresh Yadav (i.e. the petitioner) is engaged in illegal trade of country made liquor , reached the place of occurrence and upon seeing the Police party one person fled away, whose name was disclosed by the Mahal Chowkidar as Suresh Yadav and upon search 03 liters of country made Mahua liquor was found beside a ditch behind the shop of the petitioner.



4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the Police due to oblique motive. The name of the petitioner has transpired in this case on the basis of statement of Mahal Chowkidar with whom the petitioner is having inimical terms. He next submits that no illicit liquor has been recovered from the conscious possession and / or shop belonging to the petitioner rather the same has been recovered beside a ditch behind the shop of the petitioner, which is an abandoned and open place accessible to all and sundry. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and / or shop belonging to him as well as the fact that the petitioner has got clean antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge cum Exclusive Special
Excise Court -02, Gaya in connection with Barachatti PS Case
No. 320 of 2023 subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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