

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61173 of 2023**

Arising Out of PS. Case No.-133 Year-2023 Thana- JADIA District- Supaul

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ABHIMANYU YADAV @ CHHOTU YADAV Son of Dipo Yadav @  
Dipnarayan Yadav R/o vill - Jadia ward no. 6, P.S. - Jadia, Dist. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      16-10-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jadia P.S. case No. 133 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. There is alleged recovery of 50.730 liters illicit liquor from the haystack in the outhouse from the petitioner's premises.

4. Learned counsel for the petitioner submits that the outhouse was accessible to one and all and recovery, which otherwise is disputed, even if accepted, cannot be attributed to the petitioner. The petitioner is having no antecedent. No case is made out against the petitioner.



5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment, considering the nature of recovery leading to petitioner's implication and his clean antecedent, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, 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) with two sureties of the like amount each to the satisfaction of the learned I/C Exclusive Special Judge (Excise), Supaul in connection with Jadia P.S. case No. 133 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Pankaj/-

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