

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61255 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- KOTWA District- East Champaran

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DHARMENDRA YADAV SON OF MAHENDRA YADAV RESIDENT OF
VILLAGE - SAGAR CHURAWAN, P.S. - KESHARIYA, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail

in connection with Kotwa PS case no. 201 of 2023, registered

for the offences punishable under Sections 30(a), 32, 41(i) of

Bihar Prohibition and Excise Act, 2018.

3. As per the First Information Report, during the

course of patrolling, the informant/ Police Officer, after

receiving information that one Aditya Thakur and his associates

have brought illicit liquor in village-Jasauli near canal,

proceeded towards the place of occurrence. Upon seeing police

party, the accused persons fled away. The police recovered

472.75 liters of illicit liquor from near the canal/ bundh. The



name of the petitioner along with others have been disclosed by the village *Chowkidar*.

4. The learned counsel for the petitioner submits that petitioner is innocent, has falsely been implicated in the present case on the disclosure made by the village chowkidar. The petitioner is stated to be having a clean antecedent. The learned counsel for the petitioner has further submitted that the illicit liquor has not been recovered from the conscious possession of the petitioner or from his premises rather the same has been recovered from near the canal and co-accused Aditya Thakur and Tunna Upadhyay have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.07.2023, passed in Cr. Misc. no. 41717 of 2023.

5. Regard being had to the submissions advanced on behalf of both the parties and taking into consideration the fact that the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from the premises belonging to him, the petitioner is having a clean antecedent and similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released



on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1 Motihari, East Champaran in connection with Kotwa PS case no. 201 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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