

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61268 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

GOLU YADAV @ ABHISHEK KUMAR son of Gope Yadav @ Ashok Gope
Village- Pandey Patti Ismailpur Ps- Buxar Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Buxar (M) PS Case No. 282 of 2023 dated 11.06.2023 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case while the informant was on patrolling duty he got secret information that one Golu Yadav is carrying illegal liquor and was going from Railway Colony towards petrol pump. The Police party reached near Durga Asthan and in the meanwhile Police saw one person coming from the other side having a plastic bag in his hand. Upon seeing the Police party the person carrying the bag left the bag near Durga Asthan and fled away. Local persons informed the Police that the person who fled away is the petitioner.



4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been made accused on the basis of disclosure of his name by the local people. He further submits that upon search by Police 8.640 liters of foreign liquor has been recovered from a bush near Durga Asthan which is a public place accessible to all and sundry. No liquor has been recovered from the conscious possession and / or premises belonging to petitioner. The petitioner has one antecedent of similar nature of offence from before in which he is on bail.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and / or premises belonging to the petitioner, 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 Exclusive Special Judge, Excise Court No. 1, Buxar in connection with Buxar (M) PS Case No. 282 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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