

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53463 of 2024

Arising Out of PS. Case No.-360 Year-2023 Thana- Excise P.S. District- Saran

Govind Kumar Yadav @ Govinda Kumar Yadav, S/o Akhilesh Yadav, R/o
Village-Chand Diyara, Shiwan Tola, P.S- Bairia, Distt.- Balia (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Saran Excise P.S. Case No.360 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is to have in possession of 10.8 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated with present case only for the reason that he is the



registered owner of the motorcycle from which 10.8 liters of illicit liquor was recovered. It is submitted that petitioner was not apprehended on spot and, therefore, it can be said safely that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is submitted that the seizure list of this case appears doubtful, being not supported by independent witnesses rather by Bihar Home-guard personnel.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact that recovery of alleged illicit liquor *prima facie* appears not made from conscious physical possession of the petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of



learned 3rd Exclusive Special Excise Judge, Saran at
Chapra/concerned court in connection with Saran Excise P.S.
Case No.360 of 2023, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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