

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60480 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- THARTHARI District- Nalanda

SHOLVI YADAV S/O SADHU YADAV @ SADHU GOP R/o Village-
Atbalchak, P.S.- Tharthari, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 25-11-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Tharthari Police Station Case No. 79 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution story, upon seeing the police
party, three persons started fleeing away and succeeded in the
same. The police searched the place from where three persons
fled away and recovered 60 liters of country made liquor. The
Mahal Chowkidar identified the persons including the petitioner
who succeeded in fleeing away.

4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case on his
identification by the Mahal Chowkidar. The illicit liquor has not
been recovered from the conscious possession and/or premises
belonging to the petitioner. Referring to the seizure list, learned



counsel submits that the illicit liquor has been recovered from near the Pyne which is an open space accessible to all.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner but the same has been recovered from an open space, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional District and Sessions Judge-IV-cum-Special Judge (Excise) II, Biharsharif, Nalanda, in connection with Tharthari Police Station Case No. 79 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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