

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79397 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- BARHARIA District- Siwan

Mukesh Yadav Son of Rangi Lal Yadav Resident of Village- Siyadi Karan,
P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Barharia P.S. Case No. 314 of 2024 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act 2022.

3. As per the first information report a total quantity of 324 liters of Indian Make Foreign Liquor has been recovered in front of the house of Pramod Prasad.

4. Learned counsel for the petitioner submits that no incriminating article and / or illicit liquor has been recovered from the conscious possession of the petitioner rather recovery of illicit liquor has been made from an open area which is accessible to everyone. He submits that the local Chaukidar disclosed the name of the petitioner -Mukesh Yadav as the person who succeeded in fleeing away from the place of



occurrence due to previous enmity. He further submits that the Police during search and seizure did not follow the provisions of Section 100 Cr.P.C.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that illicit liquor has not been recovered from the conscious possession and / or premises belonging to the petitioner rather the same has been recovered from an open space in front of the house of Pramod Prasad which is accessible to all and sundry, 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. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Court No.-I, Siwan in connection with Barharia P.S. Case No. 314 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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