

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79106 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- NADI District- Supaul

Vijay Kumar @ Marshal Son of Shiv Kumar Yadav @ Shivendra Yadav
Resident of Village- Rasuar Tola Kyotapatti, P.S.- Supaul Nadi, District-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 05-12-2024 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 Supaul Nadi Police Station Case No. 121 of 2023,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the FIR, on 25.11.2022, informant got secret
information that in north of Shiv Mandir near Koshi Bandh
village Kyottapatti No. 2, one bag is kept in the bush. Upon this
information, police party reached the said place and saw one
jute bag in the bush beside the road. Upon search, 27.3 liters of
nepali country made liquor has been recovered.

4. Learned Counsel for the petitioner submits that the
petitioner has not committed any offence as alleged. The illicit
liquor has been recovered from an abandoned place. Petitioner



has no connection with the alleged recovery of liquor. Nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case at the instance of enemies.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that liquor has been recovered from an open space accessible to everyone and not from the premises of the petitioner, 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 Exclusive Special Judge, Excise Court No. 1, Supaul, in connection with Supaul Nadi Police Station Case No. 121 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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