

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81433 of 2024

Arising Out of PS. Case No.-598 Year-2024 Thana- Excise P.S. District- Siwan

Sri Bhagwan Yadav Jogindra Chaudhary @ Luti Chaudhary Resident of
Village-Gambhirpur Yadav Tola PS-Nautan District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2024 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 Excise Police Station Siwan Case No. 598 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, on 02.10.2024, secret
information was received that a large consignment of liquor is
being unloaded by Shri Bhagwan Yadav in the bushes on the
banks of Labda Pul river. Upon this information at around 12:55
pm, police party, reached the village Galimapur. On seeing the
police party, one person came out of the bushes on the banks of
the river and started running, who was chased by the members
of the raiding team, but he managed to escape. Upon search,



conducted around the bushes on the river bank, total of 810.000 liters of country liquor was recovered. Thereafter, on inquiring about the person who fled, the people, who were present there, told the name of the person as Shri Bhagwan Yadav i.e., petitioner.

4. Learned Counsel for the petitioner submits that no liquor has been recovered from the conscious possession of the petitioner. The illicit liquor has been recovered from the bush at the bank of the river in village Galimapur which is an open space accessible to all. Petitioner has been made accused merely on the basis of suspicion and secret information.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or premises of the petitioner, illicit liquor has been recovered from an open space which is accessible to everyone, 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 Excise Court No. II,
Siwan, in connection with Excise Police Station Siwan Case No.
598 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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