

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3642 of 2025

Arising Out of PS. Case No.-766 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Babu Yadav @ Babu Kumar @ Babbu Kumar Son of Shambhu Yadav
Resident of Village- Sukhasan, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-02-2025 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 Sahara Sadar Police Station Case No. 766 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.
3. As per the prosecution case, while the informant was on patrolling duty, he received secret information that one Babu Yadav was near Railway line with illegal liquor. Upon such information, police party reached near the place of occurrence. On Seeing the police party, accused person tried to flee and succeeded in the same. On search, total 189 liters of foreign liquor was recovered from a carton near the Temple.
4. Learned Counsel for the petitioner submits that



the petitioner has not committed any offence in the manner as alleged. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is not the owner of the place from where the recovery of illicit liquor has been made.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that recovery of illicit liquor has been made from a place which is an open space 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 Judge (Excise) II, Saharsa, in connection with Sahara Sadar Police Station Case No. 766 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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