

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74068 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- SRINAGAR District- West Champaran

1. Sipahi Yadav @ Sipahi Yadva Son of Mr. Ramdhani Yadav Resident of ward no. 05, Baijua, Police station- Sri Nagar, Dist.- West Champaran.
2. Sadhu Yadav @ Sadhu Yadva Son of Mr. Thag Yadav Resident of ward no. 06, Baijua, Police station- Sri Nagar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyan Prakash

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 24-02-2025 Heard learned counsel for both the parties.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sri Nagar P.S. Case no. 113 of 2024 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per allegation in the FIR, on the alleged date of occurrence after getting secret information about transportation of liquor by boat, a raid was conducted by the police officials. Two accused persons namely, Sipahi Yadav and Sadhu Yadav managed to escape from boat and on search 58 litres illicit liquor was recovered which was kept in two green plastic sacks on the same boat.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. Petitioner has no concern with the alleged recovery or with the accused persons who managed to escape. The name of the petitioner has been disclosed in this case during investigation by local choudidar. Learned counsel for the petitioner further submits that proper search and seizure rule has not been followed by the police officials.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Sri Nagar P.S. Case no. 113 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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