

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78208 of 2024

Arising Out of PS. Case No.-821 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Rajeev Yadav @ Rajeev Kumar S/O Birendra Kumar Yadav R/O Village-
Bauk/ Bank (Harpur), P.S- Munger Mufassil, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the State	:	Mr. Nityanand, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The perusal of the FIR as also the seizure list would go to show that there is a recovery of 139.83 litres of foreign liquor and 10.5 litres of illicit cough syrup from a part of the house of one Ashok Mehta which had been given to the petitioner on rent.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is totally false and he denies the fact that he is staying on rent in the house from where the recovery has been made. It is further submitted that no recovery was made from physical and conscious possession



of the petitioner and as a matter of fact, the petitioner has his own house and he is residing with his family members. Hence, there is no question of taking any house on rent. The further submission is that the mandatory provisions of search and seizure have also been violated and this petitioner has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioner, who has got no earlier criminal history, I am inclined to grant the privilege of anticipatory bail to the petitioner. 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), Saharsa in connection with Saharsa Sadar P.S. Case No. 821 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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