

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89845 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- DHIBRA District- Aurangabad

Sanjay Yadav Son of Bigan Yadav @ Vigan Yadav Resident of Village-
Chauriya, P.S.- Dhibra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-01-2025 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 Dhibra P.S. Case No.76 of 2024, G.R. No.1972 of
2024 disclosing offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. As per the prosecution case, the Police got the
secret information that the petitioner has kept illicit liquor in
cowshed beside his joint family house. The Police arrived at the
place of occurrence and upon seeing the police party, the
petitioner succeeded in fleeing away. The Police recovered 21.3
liters of liquor from the aforesaid cowshed.

4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case and
made a victim of circumstances only. The learned counsel next
submits that the petitioner was not present at the time of



occurrence, has no knowledge about the illicit liquor being kept in the cowshed beside his joint family house. The cow shed is situated outside the residential house and is accessible to everyone. The name of the petitioner transpired on the basis of secret information.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the liquor has been recovered from an open space which is accessible to all and the petitioner is having no criminal antecedent, 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 Special Judge Excise-II, Aurangabad, in connection with Dhibra P.S. Case No.76 of 2024, G.R. No.1972 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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