

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13317 of 2019**

Arising Out of PS. Case No.-300 Year-2018 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Mantu Yadav, Son of Awadh Kishor Yadav @ Morpiya Resident of Village -
Naili Tola, Azad Bigha, P.S.-Magadh Medical, District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Ajay Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a), 30(c), 38(1)
and 38(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of
Shailendra Kumar Pandey, being the A.S.I., of Police of Magadh
Medical Police Station, dated 02.12.2018, submitted to the
Station House Officer, Magadh Medical Police Station, is to the
effect that on the same day at about 11 A.M., during patrolling,
the informant received a secret information that Kail Chaudhary
and Pandey Chaudhary are preparing and selling country made
Mahua liquor, whereupon raid was laid and from the house of



the Kaul Chaudhary and Pandey Chaudhary, 40 Kg of Mahua were recovered. In the same transaction, several raids were laid when from the garbage ground of Magadh Medical College and Hospital, 10 litres of country made Mahua liquor and other equipment for preparing the illicit liquor were recovered. It is alleged that said liquor was prepared by the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case.

Learned APP submits that though recovery has been made from the garbage ground, but it was suggested that the same was being prepared and sold by the petitioner.

Considering the fact that prosecution case does not suggest that recovery has been made from conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Magadh Medical P.S. Case No. 300 of 2018,



subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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