

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15911 of 2019

Arising Out of PS. Case No.-367 Year-2018 Thana- BELAGANJ District- Gaya

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1. Birendar Yadav, son of Chandu Yadav @ Chand Yadav Resident of Village - Dalli Bigha, P.S.- Belganj, District - Gaya
 2. Guddu Yadav Son of Shyamdeo Yadav Resident of Village - Dalli Bigha, P.S.- Belganj, District - Gaya
 3. Yogesh Yadav Son of Ranjan Yadav Resident of Village - Dalli Bigha, P.S.- Belganj, District - Gaya
 4. Yogi Yadav @ Yogendra Yadav Son of Awadh Yadav Resident of Village - Dalli Bigha, P.S.- Belganj, District - Gaya
 5. Bablu Yadav Son of Janardan Yadav Resident of Village - Dalli Bigha, P.S.- Belganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-07-2019 Heard learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Belaganj P.S. Case No.367 of 2018 for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners that when the
police party arrived near the place of occurrence, the petitioners
along with others were engaged in sale of illegal wine and upon
seeing the police party, the accused persons fled away.



However, police recovered 55 liters illegal liquor from near the pine, Mango tree and bamboo clums.

Learned counsel for the petitioners submits that the petitioners are innocent having no criminal antecedent and recovery which has allegedly been made by the police that has been made from the open place, i.e., public place and not from the conscious possession of the petitioners. Accordingly, submission is that upon the perusal of the First Information Report, no prima facie case is made out against the petitioner.

After having heard learned counsel for the petitioners as well as learned counsel for the State and taking into consideration the fact that the illegal liquor was not recovered from possession of the petitioner and the same has been recovered from the public place, as such from perusal of the First Information Report, no prima facie case is made out against the petitioner.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise, Gaya, subject to the condition as
mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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