

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45596 of 2019**

Arising Out of PS. Case No.-81 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. GULABCHAND YADAV @ GULAB BACHAN YADAV S/o Late Rambriksh Yadav R/o village- Chathar, P.S.- Khizarsarai, District- Gaya
 2. Guddu Kumar S/o Babu Ram Yadav R/o village- Jol Bigaha, P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 25-07-2019 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Excise Case No. 81 of 2019, disclosing offences under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, as per the prosecution report, is that the Excise officials searched near the dam and found 10 litres of mahua wine and 1200 kgs. of Mahua flower, buried in the soil in the bush near the toddy tree and khajur tree. It has further been alleged that the villagers disclosed the names of the accused persons, including the



petitioners.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case at the behest of the villagers and no illicit liquor/mahua flower has been recovered from the premises or the conscious possession of the petitioners. He further submits that on the basis of the prosecution report, no *prima facie* case, under the provisions of the Act is made out against the petitioners.

After having heard learned Counsel for the parties and taking into consideration the fact that illicit liquor/mahua flower has not been recovered from the premises belonging to the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail. This application is, accordingly, allowed.

Let the petitioners, 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, Gaya, in connection with Excise Case No. 81 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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