

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45603 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- KAKO District- Jehanabad

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1. RAMESH YADAV Son of Avadhesh Yadav
 2. Shiv Shankar Yadav Son of Ramji Yadav
 3. Ranjeet Yadav Son of Mathura Yadav
 4. Ramji Yadav Son of Babu Yadav
- All are Resident of Village - Bara Tola Kothiya, P.S.- Kako (Bhelawar O.P.),
District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-07-2019 The petitioners apprehend their arrest in connection with

Kako P.S.Case No. 49 of 2019 registered under Section 30(a) of

the Bihar Prohibition and Excise Act (hereinafter referred to as

the ‘Act’).

Allegation against the petitioners is that informant along
with police personnel went in village Kothiya and reached near
the place of occurrence from where 05 persons including
petitioners started to flee away and on search, 25 litres country
made liquor was recovered from near the bush in the field of
village Kothiya and accordingly, the police prepared seizure list.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case merely on the basis of disclosure made by local Chaukidar with oblique motive. He further submits that illicit liquor has not been recovered from the conscious possession or premises belonging to the petitioner and admittedly, the same has been recovered from the bush in the village. He submits that land upon which bush is there does not belong to the petitioners. Learned counsel, thus, submits that no *prima facie* case under the Act is made out against the petitioners on the basis of allegation made in the FIR and the seizure list.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession or premises of the petitioners as such from perusal of the FIR as well as seizure list, no *prima facie* case under the Act is made out against the petitioners as such I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II, Jehanabad in connection with Kako



P.S.Case No. 49 of 2019; subject to condition as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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