

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72529 of 2019

Arising Out of PS. Case No.-914 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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NAGENDRA YADAV Son of Deva Yadav @ Devanand Prasad Resident of
Village Punit Bigha/ Shakurganj, P.S. Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 914 of 2019
instituted for the offences under Section 30 (a) (d) (g)
of the Bihar Prohibition and Excise Act, 2016.

30 litres of country made liquor and 1600 kgs.
of fermented *Mahua* and certain wherewithals for
manufacturing / brewing liquor is stated to have been
recovered from the bank of the river. The raid was
conducted on secret information having been provided to



the police that the petitioner and two others are indulging in sale and purchase as also manufacturing and brewing of local liquor.

Learned counsel for the petitioner submits that the recovery of the incriminating substance is from an open space which is accessible to all and sundry. Merely because of suspicion, the petitioner is sought to be prosecuted in the present case. Thus, for all practical purposes, no offence under the Bihar Prohibition and Excise Act, 2016 can at all be said to have been made out against the petitioner.

Considering the afore-stated facts, the petition is allowed.

The petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge-II, Jehanabad in connection with Excise Case No. 914 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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