

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72612 of 2019

Arising Out of PS. Case No.-71 Year-2017 Thana- CHANDI District- Bhojpur

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1. KRISHNA YADAV @ KRISHN YADAV S/o Ram Subhag Yadav @ Ram Subhang Yadav Resident of Village- Teregana, P.S.- Bihta, District- Patna.
 2. Khushi Lal Yadav S/o Ram Subhag Yadav @ Ram Subhang Yadav Resident of Village- Teregana, P.S.- Bihta, District- Patna.
 3. Ram Subhag Yadav @ Ram Subhang Yadav Son of Late Ram Dayal Yadav Resident of Village- Teregana, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2019 Heard learned counsels for the parties.

The petitioner nos. 1 and 2 are languishing in custody since 18.9.2019 whereas petitioner no.3 is languishing in custody since 25.9.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information that the country made liquor is being manufactured, raid was laid and from a bush, 40 litres Mahua liquor was recovered. It is alleged that the petitioners and others were found fleeing away from the place of recovery.



It is submitted by learned counsel for the petitioners that the recovery cannot be treated from the conscious physical possession of the petitioners. It is further submitted that co-accused Mithun Yadav and Ranjit Yadav have been granted bail vide order dated 9.11.2017 passed in Cr. Misc. No. 51808 of 2017 whereas co-accused Lal Mohar Yadav has been granted bail vide order dated 9.11.2017 passed in Cr. Misc. No. 51898 of 2017 by different Co-ordinate Benches of this Court. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners were found fleeing from the place of recovery.

Considering the fact that the recovery has been made from an open area, co-accused persons have been granted bail, statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, coupled with the period under custody, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -IV-cum-Special Judge, Excise,



Bhojpur at Ara in connection with Chandi P.S. Case No.
71 of 2017.

(Dinesh Kumar Singh, J)

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