

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75124 of 2019

Arising Out of PS. Case No.-240 Year-2019 Thana- KONCH District- Gaya

1. DEEP YADAV Son of Shaymdev Yadav @ Bajrangi Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
2. Krishna Yadav Son of Shyamdev Yadav @ Bajrangi Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
3. Vikram Yadav Son of Jitan Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
4. Balesher Yadav @ Baleshwar Yadav Son of Rajaram Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
5. Phundi Yadav @ Phandiya @ Phundi @ Rajesh Yadav Son of Jataha Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
6. Vinay Yadav Son of Bachchu Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
7. Dilchand Yadav @ Dalchandra Yadav Son of Dhanu Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
8. Shiyalal Yadav Son of Bachchu Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Konch P.S. Case No. 240 of 2019 registered for the offence punishable under Sections 30(a), (B) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The allegation is regarding the police having conducted a raid at the alleged place of incident which is situated at open field in the village and from there, raw-materials used for making illicit liquor and equipments thereof are said to have been recovered, however, the accused persons are said to have fled away.

The learned counsel for the petitioners submits that neither the place from where the alleged recovery has been made belongs to the petitioners nor there is any evidence to connect the petitioners with the alleged crime and they have been falsely implicated in the present case merely upon disclosure made by the village chaukidar. It is further submitted that as far as the petitioner no. 1 is concerned, he is an accused in one other case, but he is on bail in the said case, however, rest of the accused persons are having a clean antecedent. In nutshell, the contention of the learned counsel for the petitioners is that no offence is made out as against the petitioners herein under the provisions of the Bihar Excise and Prohibition Act.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Konch P.S. Case No. 240 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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