

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78647 of 2019

Arising Out of PS. Case No.-267 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. BHIM YADAV @ BHIM PRASAD YADAV Son of Late Binda Yadav @ Binda Prasad Yadav Resident of Village-Molanapur, Police Station-Siwan Muffasil, District-Siwan.
 2. Rajesh Yadav @ Rajesh Prasad Yadav Son of Late Binda Yadav @ Binda Prasad Yadav Resident of Village-Molanapur, Police Station-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Excise Case No. C-III 267 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 40.755 liters of illicit liquor from the hut of the petitioners.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and they are having clean antecedents. It is further submitted that though the petitioners are accused in one other case but they



are on bail in the said case. It is also submitted that the fact is that the mother of the petitioners had rented out the hut to some other persons and if at all anyone has complicity in the matter, it is the tenants of the mother of the petitioners.

Having considered the allegations levelled in the present case, this Court finds that on account of bar under Section 76 sub-clause (2) of the Bihar Prohibition and Excise Act, 2016, the present petition is not maintainable, however, the petitioners herein are granted liberty to approach the learned court below for grant of regular bail and in case they surrender within a period of four weeks from today, the learned court below shall consider and dispose off the regular bail petition of the petitioners on the very same day considering the fact that meager quantity of illicit liquor has been recovered and that too from a rented hut.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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