

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77525 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- ROSHANGANJ District- Gaya

1. KAMLESH YADAV @ DHANANJAY YADAV Son of Fakira Yadav Resident of Village - Vihargai Tola Nainagarh, P.S.- Roshanganj, Distt.- Gaya.
2. Shallu Yadav @ Ajay Kumar Son of Arjun Yadav Resident of Village - Vihargai Tola Nainagarh, P.S.- Roshanganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-12-2019 Nobody appears on behalf of the petitioner on repeated calls.

Counsel for the State is present.

The petitioners seek bail in anticipation of their arrest in connection with Roshanganj P. S. Case No. 173 of 2019 dated 30.08.2019 instituted for the offences under Sections 30(a) and 30(D) of the Bihar Prohibition and Excise Act, 2016.

It appears that on secret information, a place was raided, from where there was recovery of 10 ltrs. of



locally brewed liquor, 4 plastic containers and 20 kgs of *Mahua* flower which is used for brewing liquor.

Some of the persons at the place of raid managed to flee away. The police party could not identify them but the name of the petitioners has transpired in the statement of the *Chaukidar* that persons who were found running away were the petitioners. It is this information which has led to the prosecution of the petitioners in the instant case.

It is stated that in the absence of any recovery from the personal or constructive possession of the petitioners and the petitioners being persons of clean antecedents, none of the offences under the Excise Act can at all be said to have been made out.

Considering the afore-stated facts, this petition is allowed. The petitioners, above-named, are directed to be released on bail, 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 their furnishing bail bonds in the sum of
Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
Special Judge, Excise, Gaya in connection with
Roshanganj P. S. Case No. 173 of 2019, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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