

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1766 of 2020

Arising Out of PS. Case No.-414 Year-2019 Thana- RAJAOLI District- Nawada

1. Chandeshwar Yadav Son of Ram Swaroop Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
2. Kamlesh Yadav Son of Late Ganauri Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
3. Sanjay Yadav Son of Munshi Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
4. Pramod Yadav @ Pramod Kumar Son of Devki Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
5. Ramdeo Yadav Son of Munshi Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
6. Umesh Yadav Son of Buddhu Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
7. Binod Yadav Son of Budhu Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.
8. Guddu Yadav Son of Kuleshwar Yadav Resident of Village - Mohkama, P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a)(c) (d)/41 of Bihar Prohibition and Excise Act, 2016 as amended by Amendment 8 of 2018.

The prosecution case as per the written report of



Munnilal Paswan, A.S.I. of Rajauli Police Station submitted to the Station House Officer of Rajauli Police Station is to the effect that during the investigation of other cases when he and other police personnel reached the embankment of the river, he saw that on seeing the police party, 15-20 persons were fleeing away and the place of raid equipment used for manufacturing of liquor were found and 15 litres of Mahua liquor were also seized.

It is submitted by learned counsel for the petitioners that the recovery has not been from the conscious physical possession of the petitioners rather the same has been recovered from the embankment of the river and the seizure has been made from A.S.I. which is contrary to Section 73(e) of Bihar Prohibition and Excise Act, 2016. A 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 are indulged in manufacturing the liquor.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioners rather the same has been made from an open area i.e., embankment of the river and statement being made in paragraph 3 of the



petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Nawada in connection with Rajauli P.S. Case No. 414 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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