

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8752 of 2020**

Arising Out of PS. Case No.-162 Year-2019 Thana- AGIAON District- Bhojpur

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1. Ashok Kumar Yadav S/o Bihari Singh @ Bihari Yadav, Resident of Village-Bhedari, P.S.- Ayar, Distt- Bhojpur, Ara.
  2. Manoj Kumar Yadav S/o Bihari Singh @ Bihari Yadav, Resident of Village-Bhedari, P.S.- Ayar, Distt- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      28-02-2020                      Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Excise Case No. 2596 of 2019 arising out of Agian (Garhani) P.S. Case No. 162 of 2019 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 20 liters of illicit liquor and huge quantity of soaked Mahua liquid and when the co-accused persons were arrested, they had disclosed the name of the petitioners, as the persons who had fled away.

The learned counsel for the petitioners has submitted



that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioners nor the place from where the illicit liquor was recovered, belongs to the petitioner, hence, the provisions of Bihar Prohibition & Excise Act are not attracted. Lastly, it is submitted that the petitioners are having deep roots in the society and there is no likelihood to flee from the ensuing investigation.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners as also upon a bare reading of the FIR, this Court prima facie does not find any case to be made out against the petitioners herein under the provisions of the Bihar Prohibition & Excise Act, 2016, as far as the consideration of the present bail petition is concerned, hence, this Court is of the view that the bar under the provisions of the Act, 2016 shall not come in the way of this Court for consideration of the present petition, hence, I deem it fit and proper to direct for release of the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender in the



court below within a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned 4<sup>th</sup> Additional Sessions Judge-cum-Special Judge Excise, Bhojpur, Ara in connection with Excise Case No. 2596 of 2019 arising out of Agian (Garhani) P.S. Case No. 162 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Tiwary/-

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