

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9515 of 2020

Arising Out of PS. Case No.-90 Year-2019 Thana- THARTHARI District- Nalanda

1. Azad Yadav (Male) Aged 32 years son of Lagan Yadav
 2. Sukindra Yadav (Male) aged about 35 years , Son of Late Lakshu Yadav
 3. Upendra Yadav (Male) Aged about 34 years son of Late Talo Yadav
- All are Resident of Village- Atbalchak, PS Tharthari, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-03-2020 Heard Mr. Rabindra Prasad Singh, learned counsel
for the petitioners and learned Additional Public Prosecutor for
the State.

Petitioners apprehend their arrest in connection
with Tharthari P.S. Case No. 90 of 2019, registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioners as per the
First Information Report is that the Police raided the place of
occurrence at village- Atbalchak and saw that two persons were
preparing illegal wine near the village पड़न and upon seeing the



Police party they fled away. The Police recovered a total quantity of 10 liters of illicit country made liquor from near the पड़न and also recovered utensils for preparation of illicit liquor. It has also been alleged that the Police also proceeded and raided the place beneath a mango tree and found that some persons were preparing the illicit liquor and upon seeing the Police party they fled away however, Police recovered 05 liters of illicit liquor from near the mango tree. It has been alleged that the name of the petitioners have been disclosed by the local villagers. Learned counsel for the petitioners submits that petitioners have got no criminal antecedent and no illicit liquor has been recovered from their conscious possession or from the premises belonging to them. Learned counsel further submits that the name of petitioners have been dragged on the basis of disclosure made by the co-villagers. Learned counsel further submits that the place from where illicit liquor has been recovered is an open place accessible to all and sundry.

Having heard learned counsel for the parties and taking into consideration the fact that petitioners have got no criminal antecedent and no illicit liquor has been recovered from their conscious possession or from the premises belonging to them, I am inclined to grant anticipatory bail to the



petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. III cum Special Judge (Excise) Nalanda at Bihar in connection with Tharthari P.S. Case No. 90 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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