

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10823 of 2020**

Arising Out of PS. Case No.-245 Year-2019 Thana- KONCH District- Gaya

1. SIYA LAL YADAV Son of Bachchu Yadav Resident of Village-Garari Mathiya, P.S.-Konch, District-Gaya.
2. Faudi Yadav @ Rajesh Yadav @ Rajesh Kumar @ Phandi Yadav Son of Jataha Yadav R/o village-Garari Mathiya, P.S.-Konch, District-Gaya.
3. Kallu Yadav @ Kalu Yadav Son of Awadh Bihari Yadav R/o village-Garari Mathiya, P.S.-Konch, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh  
For the Opposite Party/s : Mrs.Veena Rani Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      03-03-2020                      Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Konch P.S. Case No. 245 of 2019 for the offence under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

In the instant case total 120 litres of liquor was seized from the bank of the river.

Learned counsel for the petitioners submits that the petitioner no.3 has got no criminal antecedent. So far as petitioner nos. 1 and 2 are concerned, they were made accused



in similar matter in past also.

Considering the fact that petitioner no.3 has got no criminal antecedent, the petitioner no.3, namely, Kallu Yadav @ Kalu Yadav, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Gaya in connection with Konch P.S. Case No. 245 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner nos. 1 and 2 are concerned, the Court is not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail is rejected. However, they may surrender before the court below within one month from today and pray for regular bail, which would be considered and disposed of by the court below on the same day without being prejudiced by the order of this Court.

**(Anil Kumar Upadhyay, J)**

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