

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27528 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- RAJAOLI District- Nawada

1. SUBODH YADAV @ SUBODH PRASAD YADAV S/o Rekha Yadav Resident of Village-Java, P.S.-Rajauli, District-Nawada.
2. Vikash Yadav S/o Saryu Yadav Resident of Village-Java, P.S.-Rajauli, District-Nawada.
3. Chhotu Yadav S/o Rohan Yadav Resident of Village-Java, P.S.-Rajauli, District-Nawada.
4. Deepu Yadav S/o Saryu Yadav Resident of Village-Java, P.S.-Rajauli, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-11-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP Incharge for the State in absence of Mr. Ashok Kumar, learned A.P.P.

The petitioners in the present case are seeking pre-arrest bail in connection with Rajauli P.S. Case No. 18 of 2020 registered for the offences punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per



the First Information Report on secret information that these petitioners are involved in manufacturing of Mahua wine, the police party raided the place inside the forest area with the local Chowkidars present. In course of raid, the accused persons fled away but the police party seized 75 liters of country made wine and several other equipments and Mahua which were being used for manufacturing of wine.

Learned counsel submits that the Mahal Chowkidars did not say that these petitioners were found fleeing away but it has come in the F.I.R. that the Mahal Chowkidars informed that the seven accused persons named therein are involved in manufacturing of wine and the Bhatti belongs to them. Learned counsel submits that there is no independent witness to the seizure and the identification by the Chowkidars are not proper.

On the other hand, learned A.P.P. for the State submits that in course of raid pursuant to a secret information police has seized huge quantity of country made wine and several other materials and these petitioners have been named by local chowkidars who know the local persons very well, therefore there is some materials to connect the petitioners in the present case.

Having regard to the facts and circumstances of the



case wherein these petitioners have been identified by the Mahal Chowkidars and they are said to be the persons involved in manufacturing of wine, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is, thus, refused.

In case, the petitioners surrender and pray for regular bail before the court below within a period of four weeks from today, their prayer for regular bail shall be considered by the learned court below on their own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

