

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29072 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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ARUN KUMAR @ ARUN YADAV S/O LATE NANDKISHORE PRASAD
YADAV R/O VILLAGE SURHINI, P.S.-WAZIRGANJ, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Anil Kumar Saxena, learned counsel for
the petitioner. No body appears for the State.

Petitioner seeks regular bail in connection with Excise
Case No. 436/2020 registered for the offence punishable under
Sections 30(a) (C) of Bihar Prohibition of Excise Amendment
Act 2016.

As per First Information Report, the police on the
basis of secret information raided near Kharhari river and
recovered 20 Litres of Mahua wine and 1000 Kilograms of Jawa
Mahua. It has further been alleged that the petitioner was found
fleeing away from the place of occurrence.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not



committed any offence in the manner alleged and the police has made him accused in this case with oblique motive. Learned counsel further submits that no illicit Mahua liquor or Java has been recovered from the conscious possession of the petitioner inasmuch as from the perusal of the FIR and the seizure list, it would be evident that the said illicit liquor has been recovered from an open place which is accessible to all and sundry.

Learned counsel for the petitioner further submits that petitioner is in custody since 09.12.2020.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the recovery, in question, has been made from an open place which is accessible to all and sundry and petitioner is in custody since 09.12.2020, I am inclined to grant regular bail to the petitioner subject to the condition that the petitioner will not repeat the same offence.

Accordingly, let the petitioner, ARUN KUMAR @ ARUN YADAV be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Court of Excise Act, Gaya in



connection with Excise Case No. 436/2020.

(Anil Kumar Sinha, J)

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