

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34874 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- BAGENGOLA District- Buxar

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1. DHANJI YADAV S/o Ram Kawal Yadav @ Ramkewal Singh R/o Village-Chhapara, P.S.-Bagengola, District-Buxar.
 2. Nand Jee Yadav S/o Late Vishwa Nath Yadav R/o Village-Chhapara, P.S.-Bagengola, District-Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 15-04-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Bagengola P.S. Case no. 45 of 2020, registered under Section 30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accusation is that on receiving secret information about preparation of country made liquor in village-Chapra by Nandjee Yadav, the informant along with other Police personnel reached there. On seeing the Police vehicle, 4-5 persons started fleeing from bamboo clamp, while they were chased, but, they succeeded to flee away. In presence



of the villagers, the bamboo clamp was searched from where two plastic sacks, each containing 50 litres sweet mixed with Jawa-Mahua and from another place a plastic container containing liquor of sweet and jawa Mahua semi prepared liquor in volume of 25 litres and several apparatus meant for preparing the liquor were recovered. On query, the villagers disclosed that Nandjee Yadav (Petitioner No.2), Sanjay Yadav, Dipak Yadav and Dhanji Yadav (Petitioner No.1) are indulged in preparing the liquor, who succeeded to flee away.

Learned counsel for the petitioners submits that both the petitioners have no criminal antecedent and they have falsely been implicated in this case due to dirty village politics. Further submission is that it would appear from the F.I.R. that semi prepared liquor along with mixed Jawa-Mahua and other apparatus meant for preparing liquor were recovered from the bamboo clamps, digging the soil, not from the house of the petitioner. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Bagengola P.S. Case No. 45 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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