

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8180 of 2021

Arising Out of PS. Case No.-405 Year-2019 Thana- ARWAL District- Jehanabad

1. YOGENDRA CHAUDHARY Son of Lakhan Chaudhary Resident of Village - Madan Singh Ka Tola, P.S. and District - Arwal.
2. Ranjeet Yadav Son of Shekh Yadav Resident of Village - Madan Singh Ka Tola, P.S. and District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regards the petitioner no.2 as according to him the petitioner no.2 has already been arrested.

Now this application survives on behalf of the petitioner no.1 only.

Heard learned counsel for the petitioner no.1 and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner no.1 in the present case is seeking pre-



arrest bail in connection with Excise Case No.1336/2019 arising out of Arwal P.S. Case No.405/2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, on 01.12.2019 the informant and other police officials were on patrolling duty, in the meantime, on secret information the informant reached at the village Madan Singh ka tola near the bank of sone river. It is alleged that on seeing the police party 10-15 persons fled away who were indulged in manufacturing of country made liquor but the local chowkidar disclosed the name of those persons along with petitioners and the police party recovered 800-1000 kgs mahua from the place of occurrence.

Learned counsel for the petitioner no.1 submits that the petitioner no.1 is innocent and has been falsely implicated in this case. Learned counsel submits that the alleged recovery of Java Mahua has taken place from bank of the river and there is no cogent material to connect the petitioner no.1 indulging in making of such Java Mahua.

Learned counsel submits that the co-accused Sudarshan Chaudhary, Bhola Kumar and Amresh Kumar have been granted privilege of bail by a learned coordinate Bench of



this Court in Cr.Misc.No.2881/2020. It is submitted that the petitioner no.1 has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner no.1.

Having regard to the submission on behalf of the petitioner no.1 that the alleged recovery of Java Mahua has taken place from bank of the river and there is no cogent material to connect the petitioner indulging in making of such Java Mahua as also that he has got no criminal antecedent and further that the co-accused Sudarshan Chaudhary, Bhola Kumar and Amresh Kumar have been granted privilege of bail by a learned coordinate Bench of this Court in Cr.Misc.No.2881/2020, this Court directs that the petitioner no.1 (Yogendra Chaudhary) in the event of his arrest or surrender within a period of four weeks from today in connection with Excise Case No.1336/2019 arising out of Arwal P.S. Case No.405 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner no.1 and in case at any stage it is found that the petitioner no.1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.1. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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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'.

