

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16992 of 2021**

Arising Out of PS. Case No.-243 Year-2020 Thana- KHIJARSARAI District- Gaya

1. ANUP YADAV @ ANUP KUMAR Son of Ramadhar Yadav Resident of Village - Khaira, P.s.- Khijersarai, Distt.- Gaya.
2. Shakti Nandan Yadav @ Shaktinand Kumar @ Shakit Nand Kumar Son of Sanjay Yadav Resident of Village - Sarai, P.s.- Khijersarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kamal Kumar Sinha

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      13-12-2021                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners is/are apprehending his/their arrest in connection with Khizarsarai P.S. Case No. 243 of 2020 for the offence registered under Sections 30(A)/30(D) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case in short is that informant got secret information that the accused persons engage in manufacturing and selling illegal wine in sugarcane field near badhar of village Khaira. On seeing the police party, two person fled away. Petitioner's name



disclosed by local Chowkidar and on search 30 liters illegal country made wine and wine making apparatus were recovered from the spot and the same were seized.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. It is further submitted that the petitioners have not apprehended on the spot and nothing have been recovered from their conscious possession rather the same has been recovered from the sugar cane field which does not belong to the petitioners. It is further submitted that the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his/their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Khizarsarai P.S. Case No. 243 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Sunil Kumar Panwar, J)**

Jagdish/-

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