

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21111 of 2021

Arising Out of PS. Case No.-434 Year-2020 Thana- GOGRI District- Khagaria

1. SINTU YADAV Son of Jago Yadav Resident of Village - Usri, Ward no.8, P.S.- Gogri, Distt.- Khagaria.
2. Pintu Yadav Son of Usri Resident of Village - Usri, Ward no.8, P.S.- Gogri, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. A. K. Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Binod Kumar, learned Advocate for the petitioners and Mr. A.K. Srivastava, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Gogri P.S. Case No. 434 of 2020 dated 05.12.2020 instituted for the offences under Sections 30(a), (b), (c), (d), (e), (f)/33/36 of the Bihar Prohibition and Excise Act.

No liquor has been recovered from the house of the petitioners. What has been recovered is one gas cylinder; a gas burner; a container of 10 litres and an utensil with a pipe attached to it which could be perhaps they used for decanting liquor after it is brewed.

Learned counsel for the petitioners has



submitted that such recovery is from a half constructed house said to be of the petitioners. The house does not have any enclosures.

Learned counsel for the petitioners has submitted that though the house belongs to them but is not used for residential purposes and is being used by villagers occasionally for holding functions after seeking permission from him. The possibility of the house being used by somebody to keep those articles cannot be ruled out.

Apart from this, it has been submitted that the utensils which have been recovered from his house are not the ones which are used solely for the purpose of brewing liquor. Those are household utensils which would be available in any house where a kitchen is operative.

The petitioners have been made accused because from the house of some of the co-villagers, liquor has been recovered.

The petitioners do not have criminal antecedents.

On these facts, it has been urged on behalf of the petitioners that the offence under the Excise Act cannot at all be said to have been made out against them.



Considering the aforementioned facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Khagaria in connection with Gogri P.S. Case No. 434 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

