

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27922 of 2021

Arising Out of PS. Case No.-760 Year-2020 Thana- MASAUDHI District- Patna

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1. ARUN YADAV @ ARUN KUMAR Son of Sri Mishri Yadav Resident of Village- Badribigha, P.S.- Masaurhi, District- Patna.
 2. RAKESH KUMAR @ RAKESH YADAV Son of Sri Siyasharan Yadav Resident of Village- Badribigha, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-05-2022 Heard Mr. Ajay Thakur, learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Masaurhi P.S. Case No. 760 of 2020 dated 23.12.2020 instituted for the offences under Sections 30 (a) of the Bihar Prohibition & Excise Act and Sections 2, 3 and 4 of the Mahua Flower Act.

On secret information that the petitioners have ordered for a consignment of liquor, a raid was conducted and from near the field belonging to the petitioner no. 1 129.740 litres of liquor and 640 kgs. of Mahua flower was recovered from a pick-up van.



The learned counsel for the petitioners has submitted that the accusation is based only on suspicion and secret information to the police. The recovery from an open space, even though near the field of petitioner no. 1, cannot be saddled on the petitioners.

The petitioners do not have criminal antecedents.

On the basis of afore-noted background facts, it has been urged that the offence under the Excise Act cannot be said to have been made out against the petitioners.

For the reasons aforestated, 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, Patna in connection with Masaurhi P.S. Case No. 760 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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