

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31114 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- CHAKAND District- Gaya

1. RAJENDRA YADAV Son of Ram Khelawan Yadav Resident of Village-Bahadur Bigha, Police Station-Chakand, District-Gaya.
2. LALAN YADAV Son of Ram Khelawan Yadav Resident of Village-Bahadur Bigha, Police Station-Chakand, District-Gaya.
3. ARVIND YADAV Son of Madheshwar Yadav Resident of Village-Bahadur Bigha, Police Station-Chakand, District-Gaya.
4. BINAY YADAV Son of Pradip Yadav Resident of Village-Bahadur Bigha, Police Station-Chakand, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Chakand P.S. Case no. 235 of 2021 instituted for the offence punishable under Sections 30(g)(d)(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 175 litres of mahua liquor in semi prepared condition from a barren land.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the choukidar before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Chakand P.S. Case no. 235 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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