

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71222 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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PRAKASH YADAV @ OM PRAKASH RAJ Son of Dilip Yadav @ Dilip
Kumar Resident of Village - Belahi, P.S. - Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-01-2022 Heard Mr. Mrigendra Kumar, learned Advocate
for the petitioner and Mr. Pramod Kumar Pandey,
learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Magadh Medical P.S. Case No.
36 of 2020 dated 16.02.2020 instituted for the offences
under Section 30(a)(d) of the Bihar Prohibition and
Excise Act, 2018.

The police has recovered several litres of raw-
spirit and country-made liquor along with the
wherewithals for manufacturing/brewing liquor but such
recovery is from a field with standing crops.

The learned counsel for the petitioner has
submitted that though he has been named in the FIR as
having been spotted fleeing away from the place of raid



but contends that his implication in this case is malicious and without any basis.

The petitioner has clean antecedents.

The recovery from an open space can by no stretch of imagination be saddled on him.

In view of these aspects of the matter, it has been urged on behalf of the petitioner that the accusation under the Excise Act cannot be said to have been made out against the petitioner.

For the reasons aforesaid, the petitioner is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Gaya in connection with Magadh Medical P.S. Case No. 36 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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