

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36328 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- NOKHA District- Rohtas

=====

Ramesh Yadav @ Ramesh Kumar Singh Son Of Shiv Nath Yadav Resident Of
Village- Nawadih, Ps- Nokha, Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 read with (Amendment) Act, 2018.

3. As per the prosecution case, the police official have got secret information that accused Ramesh Yadav (petitioner) and his associates were preparing country-made liquor and selling it in bamboo clumps close to Govardhan Sthan which is 500 metre west from the village road leading to Village Kurup which is south of Village Nawadih.

4. On the said secret information, the police party reached at the aforesaid place and observed that 2-3 persons

seeing the police force started running away who were tried to be apprehended but managed to flee away. The police has recovered 70 litre country-made liquor from the spot. The Mahal Chowkidar and local villagers had identified the accused persons who fled away as Ramesh Yadav, Nilesh Yadav and Dhanji Mahto.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the antecedent of the petitioner is clean and nothing has been recovered from the possession of the petitioner. Counsel also submits that the other co-accused person, namely, Dhanjee Mahto @ Dhanjee Singh has been granted bail by the Co-ordinate Bench of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 45212 of 2023.

6. Learned counsel for the petitioner further submits that the petitioner is well aware that under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, anticipatory bail under Section 438(2) of the Cr.P.C. is not maintainable but his contention is that no offence has been constituted under the said Act against him, therefore, he deserves for anticipatory bail.

7. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner has clean antecedent and one

of the accused has been granted bail by the Co-ordinate Bench of this Court.

8. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional Sessions Judge, Rohtas at Sasaram in connection with Nokha P.S. Case No. 22 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

sadique/-

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