

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41114 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- TILAUTHU District- Rohtas

1. Amarjit Yadav @ Amarjit Kumar Yadav Son Of Suresh Kumar Yadav, Resident Of Village - Uttar Patti Tilauthu, Police Station - Tilauthu, District - Rohtas.
2. Shiv Nath Yadav Son of Sakhi Yadav Resident of Village- Uttar Patti Tilauthu, Police Station - Tilauthu, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per prosecution case, total recovery of 110 litre of desi *Mahua* wine is the subject matter of the present case.

4. Learned counsel for the petitioners submits that neither petitioners were apprehended from the place of occurrence nor any thing recovered from their possession. Counsel further submits that from the seizure list, it transpires that the alleged recovery has been made near Pipra ghat situated

at Sone river. Counsel further submits that no offence under provision of excise act is made out against the petitioners and antecedent of the petitioners is clean.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of learned Exclusive Special Excise Court No.2 -cum- Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Tilauthu P.S. Case No. 87 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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