

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46977 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- CHAKARANDHA P.S. District- Gaya

1. SURENDRA KUMAR @ SURENDRA YADAV Son of Sinan Yadav
Resident of Village - Pichhuliya, P.S.- Chhakarbandha, District - Gaya.
2. Satdev Yadav @ Sahdeo Yadav @ Satendra Yadav Son of Ramnandan Yadav
Resident of Village - Pichhuliya, P.S.- Chhakarbandha, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in
connection with Chhakarbandha P.S. Case No. 03 of 2022
registered for the offences punishable under Sections 30(a) and
30(d) of Bihar Prohibition and Excise Amendment Act.
3. As per prosecution case, there is alleged recovery
of 5 liter country made mahua liquor from Bhatti of Surendra
Kumar (Petitioner No. 1) and 6 liter country made mahua liquor
from Bhatti of Satdev Kumar (Petitioner No. 2). Local
Chaukidar disclosed that petitioners used to do the business of
illicit liquor in their own land.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Petitioners bears no criminal antecedent. Learned counsel further submits that petitioners were not present at the place of occurrence. Name of present petitioners have been transpired in the present case only on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the seized liquor. There is no independent witness to the alleged occurrence. There is violation of Section 100 of the Cr.P.C. Recovery has been made from an open place which is accessible to all. Learned counsel further submits that in the light of aforesaid facts and circumstances of the case, no offence under the provisions of Bihar Prohibition and Excise Act is made out against the petitioner.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of the parties and also taking into consideration the materials available on record, in the event of their arrest or surrender before the learned trial court within a



period of six weeks from today, be released on anticipatory 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 Judge No. 3, Gaya, in connection with Chhakarbandha P.S. Case No. 03 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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