

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49546 of 2023**

Arising Out of PS. Case No.-414 Year-2023 Thana- GHOSI District- Jehanabad

1. TRIPURARI PRASAD S/O Kashi Prasad Yadav R/O Village- Milkpar, P.S- Ghoshi, Distt.- Jehanabad.
2. Akhilesh Yadav @ Akhilesh Prasad S/O Late Harikishun Yadav R/O Village- Milkpar, P.S- Ghoshi, Distt.- Jehanabad.
3. Raj Kishore Yadav @ Raj Kishore Prasad S/O Kashi Prasad Yadav R/O Village- Milkpar, P.S- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ratneshwar Prasad  
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      11-08-2023      1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Ghoshi Police Station Case No. 414 of 2023, dated 22.06.2023, disclosing offences under Sections 30(a) (d) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information, raided the place of occurrence and upon seeing the police, some persons fled away. Upon search, the police recovered 10 litres of illicit country-made liquor, kept in a gallon, as well as one



aluminum apparatus used for manufacturing country-made liquor from the along of the village. The name of the petitioners have been disclosed by the chowkidar and the villagers.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have been made accused in this case on the basis of disclosure of their names by the Chowkidar and villagers. He further submits that the illicit country-made liquor has not been recovered from the conscious possession and/or premises belonging to the petitioners; rather, the same has been recovered from the along of the village, which is an open space and is accessible to all and sundry. He further submits that the petitioners have got no criminal antecedent.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit country-made liquor has not been recovered from the conscious possession and/or premises belonging to the petitioners and further the petitioners have got no criminal antecedent, I am inclined to grant the petitioners privilege



of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Excise, Jehanabad, in connection with Ghoshi Police Station Case No. 414 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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