

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49659 of 2023**

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

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SUNIL YADAV @ SUNIL PRASAD S/O Ram Lakhan Yadav R/O Village-
Milkipar, P.S- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 11-08-2023 | <ol style="list-style-type: none">1. Heard learned counsel for the petitioner 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 orchard of the village. The name of the petitioner has been disclosed by the chowkidar and |
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the villagers.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused in this case on the basis of disclosure of his name 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 petitioner; rather, the same has been recovered from the orchard of the village, which is an open space and is accessible to all and sundry. He further submits that the petitioner has 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 petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his 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) 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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