

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56972 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- RAJNAGAR District- Madhubani

Santosh Kumar Yadav @ Santosh Yadav, S/O Ramawatar Yadav, R/O Village-
Pilakhwar, Ward No. 04, P.S- Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Bhavesh Kumar Sah, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Rajnagar P.S. Case No. 151 of 2023 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Allegedly on receipt of an information with regard to the trafficking of illicit wine, a raid was conducted and in course of such raid it was found that 9-10 persons were involved in unloading the illicit liquor. However, on noticing the police party, all of them succeeded in fleeing away after leaving the Santro car. In course of search, total 225 litres of Nepali country



made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that save and except the disclosure made by the local people and Chaukidar, there is no material suggesting the complicity of the petitioner. Moreover, the alleged recovery has been made from an open place, which is easily accessible to all and the petitioner has neither any concern with the alleged seized Santro Car nor with the illicit liquor. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court. He lastly submits that one of the co-accused, having identical allegation, has been allowed the privilege of anticipatory bail by a learned co-ordinate Bench of this Court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the vehicle, which was parked in an open place. That apart, one of the co-accused, having identical allegation, has been allowed the privilege of anticipatory bail, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender



before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 151 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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