

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60498 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- MIRGANJ District- Gopalganj

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1. Manoj Yadav S/o Sharma Yadav @ Sharma Chaudhari, R/o Village-Sihorawan, Ps. Mirganj, Dist. Gopalganj.
 2. Shailesh Yadav @ Palli Yadav S/o Gaya Yadav, R/o Village- Chainpur, Ps. Hathua, Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate.
For the Opposite Party/s : Ms. Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mirganj P.S. Case No.330 of 2022 dated 15.09.2022 instituted under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, during the course of search total 108.8 liter Banti Babli country made wine was recovered from the bush from where the petitioners alongwith other co-accused fled away.

4. Learned counsel for the petitioners submits that petitioners were neither apprehended on the spot nor anything has been recovered from their possession. He further submits



that recovery was made from the bush situated near Sihorwa Canal. He also submits that except the suspicion, there is no material against the petitioners and the seized liquor is not belong to the petitioners. Learned counsel further submits that petitioner no.1 has two criminal antecedent however petitioner no.2 has one criminal antecedent.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousands) each with two sureties of the like amount each to the satisfaction of the learned IVth Additional District & Sessions Judge-cum-Spl. Judge Excise, Gopalganj in connection with Mirganj P.S. Case No.330 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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