

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57362 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- GHOSI District- Jehanabad

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1. Mithlesh Yadav @ Mithlesh Prasad, Male, aged about 38 years, Son of Kashi Yadav @ Kashi Prasad Resident Of Village- Milkeeper (Milkipar), PS- Ghoshi, District- Jehanabad
 2. Abhyash Kumar, Male, aged about 21 years, Son of Tripurari Yadav @ Tripurari Prasad, Resident of Village- Milkeeper (Milkipar), PS- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nitu Kumari, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ghoshi P.S. Case No. 435 of 2023 dated 30.06.2023 instituted under Section 30(a) (d) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 24 litres of country made liquor and Aluminium wine making equipment were recovered near the Payeen and Alang near Badhar and the accused persons fled away from the spot.

4. Learned counsel for the petitioners submits that the petitioners have no concern with the place of occurrence



which belongs to Government land and is an open place easily access to general public. The petitioners have been falsely implicated in this case due to village politics. They were neither present on the spot nor any incriminating articles have been recovered from the possession of the petitioners. The petitioners have no criminal antecedent.

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

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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. 1, Jehanabad in Ghoshi P.S. Case No. 435 of 2023, 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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