

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58731 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- YADOPUR District- Gopalganj

1. Niraj Yadav, Male, aged about 25 Yrs, Son of Dhrup Yadav Village- Hirapakar, Ps- Jadopur, Dist- Gopalganj
2. Pintu Yadav, Male, aged about 23 Yrs, Son of Paras Yadav @ Pras Yadav @ Parasa Yadav Village- Mahediya, Ps- Jadopur, Dist- Gopalganj

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Jadopur (Yadopur) P.S. Case No. 78 of 2023 dated 16.04.2023,
instituted for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The prosecution case, in brief, is that on
16.04.2023, the informant got a secret information that the
petitioner along with two other co-accused persons are bringing
wine from boat through the way of U.P. Gandak river and the
said wine is kept hidden in the bush at the bank of Gandak river.
On the basis of said information, the informant with other police
personnel reached there. On seeing the police, three persons
trying to flee away. On suspicion, the police chased them but



they managed to flee away by taking benefit of dense bush. Thereafter, on search, total 189 liter Banti Babli country-made wine was recovered from 21 cartons, which was kept in the bush and sand. It is further alleged that the local farmers have disclosed the name of fled persons as Niraj Yadav (petitioner no.1), Ranjit Yadav and Pintu Yadav (petitioner no. 2).

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. From perusal of record, it appears that 189 liter Banti Babli country-made liquor was recovered from the bush and sand. It is further submitted that petitioner has no concern with the said liquor. There is no material against the petitioners except a vague allegation that the petitioners were identified by the local farmers. Only on the basis of suspicion, the petitioners have been dragged in this case. Lastly, it has been submitted that petitioners have clean antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Jadopur P.S. Case No.



78 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Special Judge Excise, Court No.-I, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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