

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59215 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- RANIYATALAB District- Patna

Shahdul Yadav @ Ugesh Yadav S/O Bhodal Yadav @ Mahesh Yadav R/O
Village- Ekbalganj Nisarpura, Ps. Rani Talab, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Rani Talab P.S. Case No. 309 of 2022, registered on 29.12.2022 for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received secret information about petitioner and co-accused persons manufacturing illicit country made *mahua* liquor. A raid was conducted on the banks of Son river and the police found two persons fleeing away on a motorcycle carrying 15 litres jerry can. These two persons fled away taking advantage of nearby surroundings leaving behind the motorcycle and 15 litres jerry can. The local people named the petitioner and co-accused Jail



Yadav as the person who fled away from the spot. The recovery of 15 litres of country made *mahua* liquor was made from the jerry can which was tied with the motorcycle. From the spot, further recovery of 85 litres of country made *mahua* liquor, gas cylinder and a motorcycle was made. 1000 litres of raw materials was also seized which was destroyed by the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioner was not present at the spot and nothing incriminating has been recovered from the person or possession. Even the seized motorcycle does not belong to the petitioner. Petitioner has been named in this case merely on saying of local *chowkidar*. There is complete violation of Section 100(4) Of the Cr.P.C. Petitioner has been named in this case merely on suspicion and by the persons having vested interest against the petitioner. Petitioner has got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery has been shown from an open place



accessible to all and further considering the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, District-Patna/court concerned in connection with Rani Talab P.S. Case No. 309 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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