

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67426 of 2023

Arising Out of PS. Case No.-449 Year-2023 Thana- Excise P.S. District- Siwan

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Ganesh Yadav @ Ganesh Chaudhari Son Of Baban Yadav @ Baban Chaudhary Resident Of Mohalla Ramnagar Ward No 21, Ps- Siwan Town, Dist- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 449 of 2023 lodged under Sections 30(a)
of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the total 539.640 liter
of *desi* wine as well as English wine have alleged to be made,
which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner has not been apprehended from the place of
occurrence rather his name has figured in this case by virtue of
confessional statement of the apprehended persons.

5. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from the possession of the
petitioner, so no offence under the Excise Act is made out
against him. Counsel further submits that petitioner is in custody

since 10.08.2023 and there is one criminal case pending against him in which he is on bail.

6. Counsel further submits that the other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 14.06.2023 passed in Cr. Misc. No. 35522 of 2023.

7. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and upon perusal of the record, it transpires that the bail granted to the co-accused persons by the Co-ordinate Bench of this Court, have no criminal antecedents.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

9. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge and trial court is directed to release the petitioner on bail thereafter, imposing condition so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

Prakashmani/-

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