

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65303 of 2023

Arising Out of PS. Case No.-598 Year-2023 Thana- BIHAR District- Nalanda

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1. SONU YADAV son of Umesh Prasad Village- Patuana Ps- Bihar Dist- Nalanda
 2. Lalo Yadav son of Vijendra Yadav Village- Patuana Ps- Bihar Dist-Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwanath Prasad
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 06-11-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Bihar P.S. Case No. 598 of 2023 registered for the offences punishable under Section 30 (a) of Bihar Prohibition and Excise Act.
3. As per prosecution case, there is alleged recovery of 12.750 lite illicit liquor from the field of the back portion of the school. Apprehended person disclosed the name of petitioner and other who fled away from the place of occurrence.
4. Learned counsel for the petitioner submits that petitioners are innocent and have committed no offence as



alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. Learned counsel further submits that place of recovery is an open place and accessible to all. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner has no concern with the alleged recovered liquor. Except disclosure of apprehended person, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid section.

5. The 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, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge 2nd cum Special Judge Excise Bihar Sharif Nalanda in connection with Bihar P.S. Case No. 598 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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