

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68924 of 2023**

Arising Out of PS. Case No.-171 Year-2021 Thana- Excise P.S. District- Madhepura

Subhash Yadav @ Subhash Kumar Son of Late Rajendra Yadav, Resident of
Village - Bhatrandha, Ward No.- 05, Police Station - Ghailardh
(Parmanandpur O.P.), District – Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 2 07-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Madhepura Excise PS Case No. 171 of 2021 dated
01.10.2021, registered for the offence punishable under Section
30 (a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioners are that the instant matter relates to
recovery of 26.625 litres of illicit foreign liquor which is said to
have been recovered from another house of co-accused Manju
Devi, who has been granted anticipatory bail by a co-ordinate
Bench of this Court vide order dated 21.07.2023 passed in Cr.
Misc. No. 35511 of 2023 and the petitioner is a co-villager of
the said co-accused having no connection with her and he has

been dragged mainly on the basis of suspicion and his case stands on better footing from the co-accused Manju Devi and he has got no criminal antecedent and the alleged offence of Excise Act does not even *prima facie* attract against this petitioner, hence, his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions, this Court is of the view that petitioner's prayer is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with **Madhepura Excise PS Case No. 171 of 2021** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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