

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69914 of 2023

Arising Out of PS. Case No.-403 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. MAHESH YADAV son of Yogendra Yadav Village- Patiyasa Ps- Ahiyapur Dist- Muzaffarpur.
2. Nandlal Rai son of Raghunath Ray Village- Patiyasa Ps- Ahiyapur Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Nitu Kumari

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bochahan P.S. Case No. 403/2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 1094.64 liters foreign liquor from the Pick-up van in question and the name of present petitioners surfaced in this case on the basis of secret information.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR and they have falsely been implicated in this case. Petitioner no.1 bears no criminal antecedent and petitioner no.2 bears criminal antecedent of one case which is similar to the present case in which he is on bail. He further submits that the petitioners have not been apprehended on the spot and no incriminating article has been recovered from the conscious possession of the petitioners. He further submits that the petitioners are neither owner nor driver of the said vehicle. He further submits that the petitioners are neither concerned with the so-called seized liquor nor with the seized vehicle. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

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, 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 their 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 the learned Exclusive Special Judge Excise Court No.III, Muzaffarpur in connection with Bochahan P.S. Case No. 403/2023, 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)

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