

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70134 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- GHOSI District- Jehanabad

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1. GUDDU YADAV @ GUDDU PRASAD SON OF SHIVCHAND PRASAD @ SHIV BACHAN PRASAD RESIDENT OF VILLAGE - MILKIPAR, P.S. - GHOSHI, DISTRICT - JEHANABAD
 2. BRAJESH KUMAR @ BRAJESH PRASAD SON OF INDU PRASAD YADAV @ INDU PRASAD RESIDENT OF VILLAGE - MILKIPAR, P.S. - GHOSHI, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ghoshi P.S. Case No. 435 of 2023 registered for the offences punishable under Section 30 (a) (d) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 8 litre country made Mahua liquor was recovered near Badhar (Alang) and 16 litre country made liquor was recovered near Payeen (Smath land). Local people and chowkidar disclosed the name of petitioners and other who fled away from the place of occurrence.

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. Petitioners bear no criminal antecedent. He further submits that petitioners were not present at the place of occurrence and nothing has been recovered from their possession. Petitioners have no concern with the alleged recovery. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid sections. He further submits that co-accused Mithilesh Yadav and Abhyash Kumar have already been granted bail vide Cr. Misc. No. 57362 of 2023 by a co-ordinate Bench of this Court and the case of present petitioners stands on similar footing.

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, co-accused has already been granted bail by a co-ordinate Bench of this Court, 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 special judge Excise Court No. 1, Jehanabad in connection with Ghoshi P.S. Case No. 435 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)

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