

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10225 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- BARHARA District- Bhojpur

Mangal Yadav @ Sunil Kr. Yadav Son Of Late Chhotan Yadav R/O Vill.-
Achraj Lal Ke Tola, P.S.- Krishnagarh (BARCHARA), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey

For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner, learned
counsel for and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barhara P.S. Case no. 188 of 2021, instituted for the of-
fence punishable under Sections 30(a)/36 of the Bihar Prohibi-
tion and Excise Act.

As per prosecution case, there has been recovery of
100 liters *Mahua* wine from the land of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He submitted that the land
in question does not belong to the petitioner from where the said
wine has been recovered. He further submits that provision of



100 Cr.P.C. has not been followed. To earn his livelihood, petitioner resides in Patna with his family. Petitioner was not present at place of occurrence at the time of recovery. He has no concern with the seized liquor.

Learned APP appearing for the State has vehemently opposed the prayer of bail and submitted that as per seizure list, land in question from where recovery of 100 litres of mahua liquor has been made, belongs to petitioner.

Having heard learned counsel for the parties and taking into consideration that the land in question belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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