

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17932 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- MADHEPUR District- Madhubani

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1. Golu Yadav @ Mohit Yadav S/o Jagdish Yadav
 2. Pintu Kumar Mahto @ Pintu Kumar S/o Jay Kumar Mahto
 3. Mithilesh Yadav @ Mithlesh Yadav S/o Jaleshwar Yadav
All R/o vill- Nawada, P.S. - Madhepur, Distt. - Madhubani
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-03-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 64.200 liters of liquor from cattle shed of Mithilesh Yadav (Petitioner No.3).
4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from the conscious possession and after amendment in the Excise Act in



the year 2018 the concept of deemed possession and presumed offender has been done away with it. It is further submitted that petitioner no.1 and 2 are not related to Mithilesh Yadav and the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no.3 was aware that liquor was kept in the house or the liquor kept in the house was within his knowledge and the petitioners came to be implicated at the instance of local people, but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR, which cast an aspersion on the case of the prosecution, when petitioners admittedly are persons with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No.309 of 2023, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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