

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33625 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BALIYA District- Begusarai

1. Mohan Yadav @ Aman Kumar Son of Baleshwar Yadav, Resident of village - Fatehpur, P.S.- Ballia, District - Begusarai.
2. Rakesh Kumar Yadav Son of Rajesh Yadav, Resident of village - Fulwaria, P.S.- Ballia, District - Begusarai.
At Present Resident of village - Fatehpur, P.S.- Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Jamuar, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ballia P.S. Case No.79 of 2024, instituted under Sections 290, 120(B) of the Indian Penal Code and under Sections 30(a), 32, 41 (i)(ii) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant got secret information that some accused persons who are liquor traders are unloading foreign liquor in Sadanandpur, Bahiyar from Truck to Tractor and Scorpio. It is stated that when the informant reached there, all the accused persons managed to escape but on chase one person arrested and total 1352.160 liter foreign liquor in 4080 Bottles, Truck, Scorpio, and Tractor were



seized from the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case by the co-accused due to village politics and criminal antecedent of four cases belonging to Excise Act. It is submitted that petitioners have not been arrested on the spot nor any alleged materials have been recovered from their possession.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that both the petitioners are named in the F.I.R. and there is total recovery of 1352.160 liters illegal wine. He further submits that both the petitioners have four criminal antecedents of Excise Act which shows that they are habitual offender and they are not entitled for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the petitioners stands rejected.

(Sunil Dutta Mishra, J)

Ritik/-Ankit/-

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