

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41336 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- RAJAOLI District- Nawada

Anil Yadav Son Of Prabhu Yadav R/O- Village- Mohkama, P.S. Rajouli,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Rajouli P.S. Case No. 105 of 2024 registered for the alleged offences under Section 30(A)(D) & 41 of the Bihar Prohibition & Excise Act.

03. As per prosecution case, on the basis of information that on the banks of river, petitioner and other co-accused has been manufacturing illicit country made liquor, a raid was conducted and a *bhatti* was found running there. Two persons fled away on seeing the police party. From the spot recovery of 20 litre of country made *mahua* liquor was made. The raw material found was destroyed.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has taken place. Recovery has been made near a bamboo clump on the bank of river which is an open place and is accessible and it does not belong to this petitioner. The name of the petitioner transpired in this case on suspicion as the petitioner was named by the informant to the police. There is no material to connect the petitioner with the offences as alleged. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Court Excise-2, Nawada in connection with Rajouli P.S. Case No. 105 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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