

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42832 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- AAYAR District- Bhojpur

Udhari Yadav S/O Fagu Yadav R/O Village Chirapur, P.S. Aayar, Distt-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Aayar P.S. Case No. 10 of 2024 instituted for the offences
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 170 litres
of *mahua* was recovered from the sack (*bora*).

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that the so called recovery of the illicit *mahua* has been made
from an open place, as such, the said place is accessible to local



public at large and does not belong to the petitioner. The name of the petitioner has been implicated in this case at the instance of local *Chowkidaar*. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aayar P.S. Case No. 10 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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