

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46944 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- IMAMGANJ District- Gaya

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1. MOHAN YADAV SON OF CHANDRIKA YADAV @ CHANARIK YADAV RESIDENT OF VILLAGE - BELA, P.S. - IMAMGANJ, DISTRICT - GAYA
 2. BHUNESHWAR BHUIYAN SON OF LATE GANESH BHUIYAN RESIDENT OF VILLAGE - BELA, P.S. - IMAMGANJ, DISTRICT - GAYA
 3. SUDAMA PRASAD @ SUDAMA KUMAR SON OF DILIP PRASAD RESIDENT OF VILLAGE - BELA, P.S. - IMAMGANJ, DISTRICT - GAYA
 4. GIRJESH PRASAD SON OF LATE HARDEO PRASAD RESIDENT OF VILLAGE - BELA, P.S. - IMAMGANJ, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Imamganj P.S. Case No. 97/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act 2022 dated 07.04.2024.

3. As per prosecution case, 50 litres desi mahua liquor was recovered from the place of occurrence from where petitioners were managed to flee away upon seeing the police



party. It is further alleged 2000 litres mahua jawa flower was destroyed at the place of occurrence. Local people disclosed the name of petitioners and other who are involved in the business of illicit liquor.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bears no criminal antecedent. Nothing has been recovered from conscious possession of the petitioners. The place of recovery is an open place which is accessible to all and petitioners cannot be held liable for alleged recovery.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court no-II, Gaya in connection with Imamganj P.S. Case No. 97/2024,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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