

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48847 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

1. Rahul Kumar @ Rahul Yadav S/o Late Ram Niwas Singh @ Ramniwas Singh R/o vill - Asani, P.S. - Udwanthnagar, Distt. - Bhojpur
2. Laxman Yadav @ Lakshman Yadav S/o Janardan Yadav R/o vill - Asani, P.S. - Udwanthnagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Udwanthnagar P.S. Case no. 227 of 2024, registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, the informant states that secret information was received about the accused persons ie the petitioners herein being involved in manufacture and sale of liquor. It is stated that a raid was conducted and from the alleged place of occurrence, 125 litres of country liquor/*mahua* was recovered.

4. Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession. The alleged place of recovery is an open field by the side of the river. The petitioners have neither any concern with the seized article nor with the land from which the alleged recovery is said to have taken place. The petitioners have no antecedent under the Bihar Prohibition and Excise Act, 2016.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R, the submissions made by learned counsel for the petitioners, no incriminating article having been recovered from their possession, their not having any concern with the land from which the alleged seizure is said to have taken place and specially the petitioners not having any antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Udwanthnagar P.S. Case no. 227 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned Exclusive Special Excise Judge, Excise Court no-II,
Bhojpur at Ara.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

