

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50281 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Raghaw Yadav @ Raghav Kumar Yadav Son of Late Ramashankar Yadav
Resident of village - Rajpur, P.S.- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocate
For the Opposite Party/s : Mr.Jagadhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-09-2024 Heard Learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Raghunathpur P.S. Case No. 123/2024 registered on 12.05.2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, the recovery of 86 liters of illicit wine is the subject matter of the present case.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. Counsel for the petitioner submits that he has not been apprehended from the place of alleged recovery rather at the disclosure of Chaukidar, his name has been inserted in this case. He further submits that the alleged recovery has not been made



from the possession of the petitioner rather it has been made from the embankment of a river which is a public place which does not belong to the petitioner. The antecedent of the petitioner is not clean as he is accused of five more criminal cases, apart from the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the prayer for bail of the petitioner.

6. Considering the fact that the recovery of illicit liquor has been made from a public place and the petitioner has not been apprehended from the place of recovery, let the above named petitioner be released on bail, in the event of arrest or surrender before the trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court No.II, Siwan, in connection with Raghunathpur P.S. Case No. 123/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the Trial Court shall release the



petitioner on bail only on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

- (i) Raghunathpur P.S. Case No.10 of 2017.
- (ii) Raghunathpur P.S. Case No. 186/2018
- (iii) Raghunathpur P.S. Case No. 50/2018
- (iv) Raghunathpur P.S. Case No. 102 of 2019
- (v) Raghunathpur P.S. Case No. 148 of 2017

8. If the petitioner above-named is found absconded in any of the cases mentioned above, he shall not be released.

(Dr. Anshuman, J)

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