

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54342 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- PALASI District- Araria

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Suraj Kumar Yadav @ Suraj Kumar Son of Vishan Lal Yadav R/O Vill.-
Dumaria, P.s.- Palasi, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto, Adv.

For the State : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Palasi P.S. Case No. 146 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, petitioner is said to have involved in selling of illicit liquor and on the credible information police reached at the house of petitioner and from back portion of the house 10.800 litre illicit wine was recovered from the ditch.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. He further submits that place of recovery is an open place and same is accessible to all. Petitioner cannot be held responsible for the alleged recovery. Basically, nothing has been recovered from possession or house of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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 petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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 Additional Sessions Judge-cum Special Judge, Excise-II, Araria in connection with



Palasi P.S. Case No. 146 of 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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