

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55145 of 2024

Arising Out of PS. Case No.-617 Year-2023 Thana- KAUWAKOL District- Nawada

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Vinod Yadav @ Vinod Kumar Son Of Hari Yadav Resident Of Pachamba, P.S.
- Kauuakaul, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Zafar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kawakol P.S. Case No. 617 of 2023, registered for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, during patrolling, police received information about petitioner and co-accused persons selling liquor near *Pachamba Tie Forest*. A raid was conducted at the identified place and three persons were found there who started running on seeing the police party. Two of them were apprehended and one person made good his escape. The apprehended co-accused persons disclosed the name of the petitioner who escaped from the spot. Recovery of 120 liters of



country made *mahua* liquor was made from the spot and it is alleged that 20 liters of illicit liquor was recovered from the jerrycan left behind by the petitioner.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on saying of co-accused persons. However, nothing incriminating has been recovered from the persons or possession of the petitioner and petitioner has no concern with the seized liquor. There is complete absence of cogent material against the petitioner. It is apparent from the FIR that recovery has been made from a public place and the petitioner has no concern with the place from where recovery has been made. In these facts and circumstances, no offence under Section 30(a) of the Excise Act is made out against the petitioner, who is having antecedent of one case in which he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the lack of substantive material against the petitioner to connect him with the offences as alleged, let the petitioner above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Nawada in connection with Kawakol P.S. Case No. 617 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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