

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55007 of 2024**

Arising Out of PS. Case No.-73 Year-2022 Thana- KAKO District- Jehanabad

Mohan Yadav son of Late Subey Yadav Village- lakshuman Bigha Damuhan  
Ps- Kako Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Paras Nath, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

**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 Kako P.S. Case No. 73 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

03. As per prosecution case, police received secret information about the petitioner and other co-accused persons surreptitiously selling illicit liquor. A raid was conducted and from the cabin of the co-accused recovery of 24 litres of Indian made foreign liquor was made. Apart from this, proceeds of sale of illicit liquor to the tune of Rs. 30,020/- was also recovered.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



Nothing incriminating has been recovered from person or possession of this petitioner. The petitioner has nothing to do with the seized liquor or the place from where recovery has been made and no offences under the Excise Act is made out against the petitioner. However, the petitioner is having antecedent of three cases and in one case he has been acquitted whereas two other cases are under the Excise Act and both the cases have been lodged after the present case.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

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 absence of material to show the involvement of the petitioner and also considering the possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of learned Special Judge Excise-1, Jehanabad in connection with Kako P.S. Case No. 73 of 2022, 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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