

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70680 of 2024

Arising Out of PS. Case No.-157 Year-2022 Thana- NAUTAN District- Siwan

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1. Vivek Yadav @ Vivek Kumar S/O Jairam Yadav @ Jairam Chaudhary Resident Of Village- Tilmapur, PS- Nautan, Distt-Siwan
 2. Sandeep Kumar Yadav S/O Jairam Yadav @ Jairam Chaudhary Resident Of Village- Tilmapur, PS- Nautan, Distt-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-12-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Nautan P.S. Case No. 157 of 2022 lodged on 04.07.2022, for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution, total recovery of 459 litres of country made liquor has been recovered which is the subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioner no.2 is the owner of vehicle and



petitioner no.1 is stranger and his name has come in this case by virtue of the confessional statement of the co-accused. Counsel further submits that the criminal antecedent of the petitioners are clean. Counsel submits that petitioner no.1 is the brother of petitioner no.2.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that alleged country made liquor has been recovered from the vehicle of petitioner no.2 and therefore, offence has been made out against him.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.1 namely, Vivek Yadav @ Vivek Kumar be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, Excise Court No.II, Siwan in connection with Nautan P.S. Case No. 157 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. So far as the case of petitioner no.2 namely, Sandeep Kumar Yadav is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of



petitioner no.2 is hereby rejected with liberty that in case, he surrenders before the Trial Court within four weeks from today, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner no.2 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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