

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71420 of 2024

Arising Out of PS. Case No.-194 Year-2021 Thana- SIKANDRA District- Jamui

1. Manish Yadav, aged about 27 years, Gender-Male, Son of Garib Yadav @ Gariv Yadav, Resident of Village- Dhankurwa, P.S.- Sikandara, District- Jamui.
2. Mukesh Yadav @ Mukesh Kumar, aged about 31 years, Gender-Male, son of Rambilash Yadav @ Vilash Yadav, Resident of Village- Dhankurwa, P.S.- Sikandara, District- Jamui.
3. Ramashish Yadav, aged about 34 years, Gender-Male, Son of Late Shukar Yadav, Resident of Village- Dhankurwa, P.S.- Sikandara, District- Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dipak Kumar, Advocate
For the Opposite Party : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sikandra P.S. Case No. 194 of 2021 dated 18.07.2021 registered for the offence punishable under Section 30(a) (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 25 litres of illicit country made liquor, 1400 litres of fermented Jawa Mahua which was destroyed and some equipment for preparation of



liquor were recovered from the village-Dhankubra Babu Aahar near the Paine.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. They were not present on the spot. The name of the petitioners has come in the present case only on the basis of the disclosure made by the villagers. No incriminating article has been recovered from their possession. It is further submitted that the petitioners have no concern with the alleged offence. It is further submitted that the place from where the alleged recovery of liquor was made does not belong to the petitioners. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused persons Santu Yadav @ Santu Kumar and Shambhu Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 21611 of 2024 under order dated 02.04.2024, annexed as Annexure-P/2 to the present bail petition. The petitioners have one criminal antecedent in which the petitioner no. 3 is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Jamui in connection with Sikandara P.S. Case No. 194 of 2021, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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