

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75893 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- PALANWA District- East Champaran

1. Kamod Yadav S/O Motilal Yadav R/O Village- Saunaha, P.S- Palanwa, Distt.- East Champaran.
2. Brijesh Yadav @ Brajesh Yadav S/O Ramayan Yadav R/O Village- Saunaha, P.S- Palanwa, Distt.- East Champaran.
3. Pramod Yadav S/O Late Sinhasan Yadav @ Singasan Yadav R/O Village- Saunaha, P.S- Palanwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Palanwa P.S. Case No. 58 of 2024, lodged on 18.04.2024, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending before the Court of Exclusive Special Excise Court No. 2, Motihari, East Champaran.

3. As per the prosecution, FIR has been lodged against three named accused persons. Total recovery of 68.940 litres of illicit Nepali liquor has been made, which was 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 the petitioners have falsely been implicated in this case. Counsel further submits that the petitioners were neither apprehended from the spot nor any incriminating article was recovered from the conscious possession of the petitioners. Counsel also submits that the antecedents of the petitioners are not clean. The petitioner No. 1 has two criminal antecedents, the petitioner No. 2 has also two criminal antecedents and the petitioner No. 3 has one criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the the antecedents of the petitioners are not clean and this aspect may be taken into consideration while considering the bail application of the petitioners.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. It is directed to the petitioners to surrender before the Trial Court within a period of four weeks from today. In



case, the petitioners surrender within four weeks, 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 petitioners 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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