

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79612 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- NEMDARGANJ District- Nawada

1. Sonu Kumar S/O Sugriv Yadav @ Sulendra Yadav Resident Of Nandlal Bigha , P.S- Nemdarganj, Distt.- Nawada.
2. Guddu Yadav @ Shrawan Kumar S/O Kuleshwar Yadav Resident Of Nandlal Bigha , P.S- Nemdarganj, Distt.- Nawada.
3. Sudhir Yadav @ Sudhir Kumar S/O Kuleshwar Yadav Resident Of Nandlal Bigha , P.S- Nemdarganj, Distt.- Nawada.
4. Anandi Yadav @ Anandi Prasad S/O Late Uma Yadav @ Uma Prasad @ Umesh Yadav Resident Of Nandlal Bigha , P.S- Nemdarganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Nemdarganj P.S. Case No. 207 of 2023 dated 27.07.2023 registered for the offence punishable u/s 30(a), 30(d) and 41 of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 100 litres of



country-made liquor being, sweet mahuwa solution, half made wine in aluminum utensils and wine making equipments were recovered from the field situated in the village Nandlal Bigha.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 1 is accused in one more criminal case, the petitioner No. 2 and 3 is accused in two other criminal case and the petitioner No. 4 is accused in four other criminal cases as stated in para 3 of the bail petition. The recovery was made from an open place which is accessible to anyone, hence no case is made out under the Excise Act. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 01.11.2023 passed in Cr. Misc. No. 68647 of 2023.

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

7. 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/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Nemdarganj P.S. Case



No. 207 of 2023, subject to conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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