

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81928 of 2024

Arising Out of PS. Case No.-212 Year-2021 Thana- ATHMALGOLA District- Patna

Santosh Yadav, Son of Sri Kamo Yadav @ Kameshwar Singh, Resident of
Village - Chanda, P.S. - Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Manglam, Advocate
For the Opposite Party/s	:	Mr. M.K. Nirala, APP
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate
		Mr. Himanshu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Athmalgola P.S. Case No. 212 of 2021, registered for the
offences punishable under Sections 30(a) (d) of the Bihar
Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is of
involvement in manufacturing of illicit wine. The police on a
secret information raided the bank of Sand River, however, on
noticing the police party, the accused persons assembled there
were succeeded in fleeing away, except one who was
apprehended by the police. The apprehended person disclosed



the name of the petitioner and others. On search, 11 liters of country made liquor and other incriminating articles were recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in the crime. It is next contended that the witnesses are none else, but the police chowkidar apart from that there are other infirmities in the search and seizure. In fact, the criminal antecedent of the petitioner in one identical nature of crime, is the reason for false implication of the petitioner. The alleged recovery has been made from an open place, which is easily accessible to all.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the antecedent of the petitioner clearly suggest his involvement in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the conscious and constructive possession of the petitioner, coupled with the fact that save and except disclosure there is no other material and, as such, the bar



provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Barh in connection with Athmalgola P.S. Case No. 212 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

