

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 84560 of 2024**

Arising Out of PS. Case No.-117 Year-2023 Thana- SALAIYA District- Aurangabad

1. Suryadeo Yadav @ Surendra Yadav Son of Jitmohan Yadav Resident of Village- Khajwatiya, P.S.- Salaiya, Distt.- Aurangabad
2. Subhash Yadav Son of Suryadeo Yadav @ Surendra Yadav Resident of Village- Khajwatiya, P.S.- Salaiya, Distt.- Aurangabad
3. Sanjay Yadav Son of Nageshwar Yadav Resident of Village- Khajwatiya, P.S.- Salaiya, Distt.- Aurangabad
4. Vinod Bhuiyan Son of Arjun Bhuiyan Resident of Village- Khajwatiya, P.S.- Salaiya, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary. APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      11-12-2024                      Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with G.R. No. 1239 of 2023 arising out of Salaiya P.S. Case No. 117 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the allegation, 10 litres of country made illicit liquor and 10 quintal of soaked jawa mahua have been recovered from the village Itkohwa situated at hill.



4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that they have no way connected with the alleged offence and the recovery has been made from open space.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioners above-named to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Special Judge of Excise Court No. 1, Aurangabad, in connection with G.R. No. 1239 of 2023 arising out of Salaiya P.S. Case No. 117 of 2023, subject to the conditions as laid down under



Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

**(Jitendra Kumar, J)**

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