

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24628 of 2025

Arising Out of PS. Case No.-34 Year-2022 Thana- SIGAUDI District- Patna

Mahabir Yadav, S/o Late Jitu Yadav, R/o Vill.- Jarkha, P.S.- Sigori, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sigori P.S. Case No. 34 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of indulged in manufacturing of illicit wine; the police on a secret information conducted raid on the bank of Punpun river, however, noticing the police party, some of the persons, who were present there succeeded in fleeing away, whose names were later on disclosed by the villagers and the petitioner is also one of them. In course of search, altogether 80 lts. of illicit wine was recovered.



4. Learned counsel for the petitioner referring to the FIR has contended that the alleged recovery has been made from the bank of Punpun river and, as such, the petitioner has neither any concern with the place of occurrence nor with the illicit wine, which is said to have been recovered from there. It is further contended that the disclosure of the name of the petitioner and others by the villagers also does not inspire any confidence; all the more, during the course of investigation, no cogent material has come suggesting complicity of the petitioner in crime. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the name of the petitioner has been disclosed by the villagers after proper identification.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, which is easily accessible to all, coupled with the fair antecedent of the petitioner and the materials collected during the course of investigation do not attract the provision under Section 76(2) of



the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Sigori P.S. Case No. 34 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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