

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77607 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- NOORSARAI District- Nalanda

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1. Vijay Yadav Son of Late Lakhan Yadav Resident of Village- Malbigha, P.S- Noorsarai, District- Nalanda
 2. Nitish Kumar Son of Kishori Yadav Resident of Village- Malbigha, P.S- Noorsarai, District- Nalanda
 3. Masudan Kumar Yadav @ Masudan Kumar @ Madhusudan Kumar Yadav Son of Surendra Yadav Resident of Village- Malbigha, P.S- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Learned counsel for the petitioners seeks permission to withdraw the petition for anticipatory bail of **petitioner no.2 Nitish Kumar.**

2. Permission is accorded.

3. Accordingly, the petition for anticipatory bail of **petitioner no.2 Nitish Kumar** is dismissed as withdrawn.

4. Heard learned counsel for the petitioners and learned APP for the State.

5. In this present case, the petitioners are apprehending their arrest in connection with Noorsarai P.S. Case No. 210 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

6. As per prosecution case, police received secret



information about six persons manufacturing and selling country made liquor. A raid was conducted at the identified place and six persons fled away from the spot. On search of the place, recovery of 205 litres of country made *chulai* liquor and the implements for manufacturing the illicit liquor were made. On inquiry from the villagers and *chowkidar*, name of the petitioners were disclosed as the persons who fled away from the spot.

7. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioners. Recovery has been made from an abandoned place. The petitioners have been named in this case merely on suspicion. No offence under Bihar Prohibition and Excise Act is made out against the petitioners. Petitioner no.1 is having antecedent of six cases whereas petitioner no.3 is having criminal antecedent of five cases.

8. Learned APP opposes the submission made on behalf of the petitioners.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and further considering the lack of substantive material to connect the



petitioners with the offence as alleged and also considering the possibility of false implication, let the **petitioner nos. 1 and 3** above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned IV Additional District and Sessions Judge-cum-Special Judge Excise-IIInd, Nalanda at Biharsharif/concerned court in connection with Noorsarai P.S. Case No. 210 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner nos. 1 and 3.
- (ii) The petitioner nos. 1 and 3 will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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