

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84835 of 2024

Arising Out of PS. Case No.-242 Year-2021 Thana- ATRI District- Gaya

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1. Sujit Yadav @ Sujit Kumar, Son of Shiv Kumar Yadav @ Shiv Kumar Prasad,
 2. Shiv Kumar Yadav @ Shiv Kumar Prasad, son of Balsharan Yadav
Both are residents of Village -Chelal, P.S. -Atri, Dist. -Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Atri P.S. Case No.242 of 2021 registered under Sections 272 and 273 of the Indian Penal Code as well as 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where there is recovery of 50 liters of IMFL/country made liquor from the bank of Paimar river.

4. Learned counsel appearing on behalf of the



petitioners submitted that alleged recovery of illicit liquor was made from the bank of Paimar river, which is an open place and accessible by general public and, therefore, it can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that the name of petitioners disclosed by local Choukidar merely on the basis of suspicion without having any incriminating materials. It is pointed out that petitioners are the men of clean antecedent.

5. Learned APP opposes the prayer of anticipatory bail of the petitioners.

6. In view of aforesaid factual submissions, as recovery of alleged illicit liquor was made from an open place like bank of river, which is accessible by general public, *prima facie* doubting recovery of illicit liquor from conscious physical possession of the petitioners, accordingly, both petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each



to the satisfaction of the learned Exclusive Special Excise Court No.1, Gaya in connection with Atri P.S. Case No.242 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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