

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85656 of 2024

Arising Out of PS. Case No.-463 Year-2024 Thana- RAHUI District- Nalanda

1. Nitish Yadav, Son of Mahesh Yadav, R/o - Village- Kayampur, P.S and District - Nalanda
2. Ram Briksh Yadav, Son of Late Sitaram Yadav, R/o - Village- Kayampur, P.S and District - Nalanda
3. Sintu Yadav @ Sintu Kumar, Son of Ahilesh Yadav, R/o - Village- Kayampur, P.S and District - Nalanda
4. Putush Yadav @ Putus Kumar, Son of Sunil Yadav, R/o - Village- Kayampur, P.S and District - Nalanda
5. Vikash Yadav @ Vikesh Kumar, Son of Arji Yadav, R/o - Village- Kayampur, P.S And District - Nalanda
6. Rahul Yadav @ Rahul Kumar, Son of Awadhesh Yadav, R/o - Village- Kayampur, P.S and District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-02-2025 Heard Mr. Pankaj Kumar, learned counsel for the petitioners and Ms. Indu Kumari Srivastava, learned APP for the State.

2. Learned counsel for the petitioners submits that petitioner nos. 5 and 6, namely, Vikash Yadav @ Vikesh Kumar and Rahul Yadav @ Rahul Kumar have been arrested in this case. In that circumstance, learned counsel for the petitioners seeks permission to withdraw this bail application in respect of



petitioner nos. 5 and 6, namely, Vikash Yadav @ Vikesh Kumar and Rahul Yadav @ Rahul Kumar.

3. Permission is accorded.

4. This application is dismissed as withdrawn in respect **petitioner nos. 5 and 6.**

5. The instant application for anticipatory bail has been filed by the petitioner nos. 1, 2, 3 and 4 apprehending their arrest in connection with Rahui P.S. Case No. 463 of 2024 instituted for the offence under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act.

6. The case of the prosecution is that from the fields, altogether 65 liters of country made liquor was recovered.

7. Learned counsel appearing on behalf of the petitioner nos. 1, 2, 3 and 4 has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have no concern with the alleged recovery. The name of these petitioners were disclosed by the local people. Nothing has been recovered from their conscious possession. The recovery is from open place. All the petitioners are having criminal antecedent of two cases which is lodged by close relative of the same family.

8. In contra, learned APP appearing for the State has



opposed the prayer of bail of the petitioner nos. 1, 2, 3 and 4.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the **petitioner nos. 1, 2, 3 and 4, namely, Nitish Yadav, Ram Briksh Yadav, Sintu Yadav @ Sintu Kumar and Putush Yadav @ Putus Kumar respectively** on bail. The petitioner nos. 1, 2, 3 and 4 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Rahui P.S. Case No. 463 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned IVth Additional District and Sessions Judge-cum-Special Judge, Excise-II, Nalanda at Biharsharif, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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