

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89642 of 2024

Arising Out of PS. Case No.-354 Year-2024 Thana- TILAUTHU District- Rohtas

Akshay Yadav @ Akshay Kumar S/O Vijay Yadav R/O Vil.- Rediya, P.S.-
Tilauthu, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Singh, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-01-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Tilauthu PS case no. 354 of 2024, disclosing
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.
3. The prosecution story, as per the First Information
report, is that on 18.10.2024 at about 3.15 pm, during course of
patrolling, informant received information that the petitioner
was selling liquor in paddy field situated in the southern side of
Indian Kiln. When the informant along with police force
reached at the place of occurrence, the petitioner started fleeing
away and was succeeded in the same after leaving the sack.
Upon search of the sack, 15 liters of illicit mahua liquor was
recovered and seizure list was prepared.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that illicit liquor has been recovered from the farm maid, which is an open space accessible to everyone. Petitioner is having no criminal antecedent. He also submits that co-accused persons namely Vikash Kumar and Sarwan Kumar have already been granted anticipatory bail by this court vide order dated 08.01.205, passed in Cr. Misc. No. 85150 of 2024 and Cr. Misc. No. 86618.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from an open space and not from inside the house as also the fact that petitioner is having clean antecedent and similarly situated co-accused persons have been granted anticipatory bail, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 02-
cum-Additional District & Sessions Judge, Rohtas at Sasaram in
connection with Tilauthu PS case no. 354 of 2024, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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