

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87062 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- GAMAHARIYA District- Madhepura

1. Sushil Kumar @ Nunu Yadav S/o Bijendra Yadav R/o vill - Bhelva ward no. 4, P.S. - Gamhariya, Distt.- Madhepura
2. Laltu Yadav @ Laltu Kumar S/o Sitaram Yadav R/o vill - Bhelva ward no. 4, P.S. - Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ranjay Kumar Singh, Advocate
For the State	:	Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 189 litres country made liquor has been recovered from field and motorcycle.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioners are neither owner nor driver of the vehicle in question. The alleged recovery is from an open place, which is accessible to one and all. No incriminating material has been recovered from the conscious



possession of these petitioners. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation, the fact that petitioners are not owners of the motorcycle in question, fact that no incriminating article has been recovered from conscious possession of these petitioners and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Madhepura in connection with Gamahariya P.S. Case No. 191 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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