

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88509 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- KAMTAUL District- Darbhanga

1. Rakesh Kumar @ Rakesh Yadav Son of Ashok Yadav Resident of Village- Muhammadpur, P.S.- Kamtaul, Distt.- Darbhanga, Bihar, Bharat
2. Ashok Yadav Son of Late Pavitar Yadav Resident of Village- Muhammadpur, P.S.- Kamtaul, Distt.- Darbhanga, Bihar, Bharat

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Adv.

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending arrest in connection with Kamtaul P.S. Case No. 305 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 750 ml. I.M.F.L. from a *Jhoprinuma* hotel near the F.C.I. godown in village Latha and the apprehended accused Ravi Ranjan Kumar disclosed the name of the present petitioners who are said to have fled away from the



place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. Learned counsel has orally submitted that the alleged place of occurrence does not belong to the petitioners. The alleged place of occurrence is a *Jhoprinuma* Hotel which is accessible to all. Petitioners cannot be said to be liable for the alleged recovery. Petitioners are father and son and on account of high handedness of police they have been made accused in the present case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act. Petitioners bear clean antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory 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 Special Judge, Excise-I, Darbhanga in connection with Kamtaul P.S. Case No. 305 of 2024, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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