

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1400 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- PARWALPUR District- Nalanda

1. Uday Yadav @ Uday Prasad, S/o Late Brahm Yadav
2. Dayanand Prasad, Son of Kapil Prasad
3. Sachin Kumar, Son of Late Kamelesh Prasad
4. Rajkishor Prasad, Son of Kameshwar Prasad

All are Resident of village - Tarabigha, Milkipar, P.S- Parbalpur, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 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 Parbalpur P.S. Case No.172 of 2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegation against the petitioners is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 30 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the



recovery of alleged illicit liquor was made from bush, which is an open place and these petitioners were named with present recovery of illicit liquor without having any connecting materials, rather on the basis of suspicion as raised by local Choukidar. It is pointed out that petitioner nos. 1 and 4 are men of clean antecedents, whereas petitioner nos. 2 and 3 were found involved in one more criminal case, where they are on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as recovery of illicit liquor *prima facie* not appears to be made from physical possession of petitioners rather from bush, which is an open place and accessible by general public, accordingly, the 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 A.D.J.-IV-cum-Special Judge, Excise-II, Nalanda in connection with Parbalpur P.S. Case No.172 of 2024, subject



to the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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