

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89843 of 2024

Arising Out of PS. Case No.-477 Year-2021 Thana- MASAUDHI District- Patna

1. Subelal Yadav S/o- Late Shastri Yadav @ Lal Bahadur Yadav Resident of Sukathiya PS- Masaurhi, Dist- Patna
2. Jeevanlal Yadav @ Jeevlal Yadav S/o- Late Shastri Yadav @ Lal Bahadur Yadav Resident of Sukathiya PS- Masaurhi, Dist- Patna
3. Ripu Yadva @ Mithun Kumar S/o- Hareshwar Yadav Resident of Sukathiya PS- Masaurhi, Dist- Patna
4. Ruban Yadav @ Rudal Yadav S/o- Hareshwar Yadav Resident of Sukathiya PS- Masaurhi, Dist- Patna
5. Hareshwar Yadav S/o- Munarik Yadav Resident of Sukathiya PS- Masaurhi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Prasad, Adv.
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Masaudhi P.S. Case No. 477 of 2021, registered on 07.09.2021 for the offences under Sections 328 of the Indian Penal Code and Section 30(a) & 30(c) of the Bihar Prohibition and Excise Act.

03. As per the prosecution case, police received certain information about manufacturing of illicit country made liquor and



a raid was conducted at the identified place. Police found 7-8 furnaces for manufacture of liquor being run at the spot. About 11,000 litres of semi-prepared liquor/raw material were destroyed at the spot. The petitioners (who were running the furnaces of illicit liquor) are stated to have fled away from the spot when the raid was conducted.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioners have no concern with the alleged occurrence. There is no eye witness to the occurrence and the petitioners have been named in this case merely on suspicion. Learned counsel further submits that the petitioner nos. 1 and 3 are having clean antecedent whereas petitioner nos. 2, 4 and 5 are having antecedent of one case. Learned counsel further submits that a number of co-accused persons have been granted anticipatory/regular bail by the Co-ordinate Bench as well as this Court.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering lack of substantive material against the petitioner and further considering the possibility of false implication, let the



petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-03,Patna/concerned court, in connection with Masaudhi P.S. Case No. 477 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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