

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44830 of 2015

Arising Out of PS.Case No. -306 Year- 2015 Thana -TEKARI (Panchanpur) District- GAYA

- =====
1. Baleshwar Yadav, S/O Late Sharda Yadav
 2. Kamlesh Yadav, S/O Late Sharda Yadav
 3. Arvind Yadav @ Arvind Kumar S/O Baleshwar Yadav

All resident of Village- Malsari P.S. Tekari (Panchanpur) District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend arrest in Tekari (Panchanpur) P.S. Case No. 306 of 2015 dated 05.08.2015 instituted under Sections 272/273 of the Indian Penal Code and 47(a) of the Excise Act.

The allegation against the petitioners is that they had run away upon seeing the police party while possessing 70 litres of

illicit '*mahua*' liquor.

Learned counsel for the petitioners submits that only on the basis of statement of the local Chowkidar, they have been made accused and further that 70 litres of '*mahua*' liquor recovered was not spurious and further it was found in the open government land without there being any recovery of any manufacturing equipment. Learned counsel submits that the Chowkidar being of the same village and having inimical terms has named the petitioners for oblique reasons. It is also submitted that the petitioners have clean antecedent.

Learned A.P.P. submits that the petitioners were identified by the Chowkidar.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned concerned Judicial Magistrate, 1st Class, Gaya in Tekari (Panchanpur) P.S. Case No. 306 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners and the bailors shall execute bond with regard to good

behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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