

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10145 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -PIRI BAZAR District- LAKHISARAI

1. Ramdeo Yadav
2. Kapil Yadav Both Sons of Baudhu Yadhav resident of village Lahsorba Police Station Piri Bazar District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju, Advocate
For the Opposite Party/s : Mr. Indu Bala Panday(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Piri Bazar P.S.Case No. 56 of 2015 registered for offence punishable under Section 290 of the Indian Penal Code and 47 (A) of Excise Act.

The prosecution case as lodged on the basis of written report of S.I. Ashutosh Kumar, S.H.O. Piri Bazar on 08.10.2015 at 11.30 A.M. that the informant alongwith police personnel proceeded for raid, on occasion of Assembly Election, 2015 and when the patrolling party reached near the village- Lahosarba, some people fled away having seen the police from the straw hut and one man namely, Baudhu Yadav caught on the place and confessed before the police that he alongwith his sons

Ramdeo Yadav and Kapil Yadav, petitioner No.1 and 2, prepared Mahua country made liquor inside the hut, then police force entered inside the hut and found 30 plastic dalda bags which were full of incomplete country liquor. The police seized the materials available there and prepared a seizure list in presence of local people, Baudhu Yadav, was arrested for preparation of country made Mahua liquor for commercial purpose.

It has been submitted by the learned counsel for the petitioners that they are innocent, having no criminal antecedents as is evident from para-3 of this application and no country made liquor was seized from the conscious possession of the petitioner rather one Baudhu Yadav, who was caught confessed the name of these petitioners. He further submits that the allegation of recovery of 30 plastic dalda bags not specifying the quantity, which were destroyed by raiding party was seized and being the first offender deserves the privilege of bail.

However, learned A.P.P. for the State submits that the apprehended person, named the petitioners, who are also his sons, hence, opposes the prayer for bail.

Be that as it may, the petitioners being the first offender, quantity of Mahua being not specified which was destroyed by raiding party, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing

bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S.Case No. 56 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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