

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14854 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

1. Bablu Yadav, son of Kailu Yadav
2. Karu Yadav, son of Late Bhagat Yadav @ Late Bhagwat Yadav
Both residents of village Kaiya, Police Station Mufassil, District Gaya
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 04-05-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Mufassil Police Station Case No. 12 of 2016,
disclosing offences under Section 47 (a) of the Excise Act.

Allegedly, from the premises belonging to the
petitioners, 145 litres of Mahua wine and drums were
seized. A seizure list was accordingly prepared.

Learned Counsel appearing on behalf of the
petitioners, referring to the seizure list, which has been
brought by way of Annexure-2 to this application, has
submitted that the same is in conflict with the provision as
contained in Section 100 (4) of the Bihar Excise Act,

inasmuch as only members of the police party are the witnesses to the said seizure. It has been stated in paragraph 3 of the application that the petitioners have no criminal antecedents.

Considering the submission, as above, this application is allowed.

Let the petitioners, namely, Bablu Yadav and Karu Yadav, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Mufassil Police Station Case No. 12 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

This is subject to the further condition that if the petitioners are implicated in any case of similar nature in future, the prosecution shall be at liberty to approach this

Court for cancellation of their bail bonds.



(Chakradhari Sharan Singh, J.)