

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22440 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -BIRAUL District- DARBHANGA

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1. Vikash Yadav, Son of Arun Yadav @ Arun Kumar Yadav, resident of Village- Navtolia, P.S.- Biraul, District- Darbhanga.
2. Bablu Yadav, son of Nawal Kishore Yadav, resident of Village- Mahmuda, P.S.- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are languishing in judicial custody since 25.01.2017 in connection with G.O. (Excise) Case No. 62/2017, arising out of Biraul P.S. Case No. 22/2017 for offences alleged under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 38(i), 41(i) of Bihar Excise Amendment Act, 2016.

The prosecution case, as alleged by the police personnel, is that on secret information, while they were on patrolling duty, apprehended a Scorpio vehicle and out of the same 51.840 litre foreign liquor was found. Four persons managed to



escape and the petitioners were apprehended.

It has been submitted by the learned counsel for the petitioners that petitioner no. 1 is driver of the vehicle and petitioner no. 2 is one of the co-passengers and they have no concern with the alleged liquor and no case of similar nature has been lodged against them. They do not have criminal antecedent. It has further been submitted that other co-accused having fled away in a car have been apprehended, arising out of same P.S. Case, have already been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 19401/2017 on 25.04.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts aforesaid and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Darbhanga, in connection with G.O. Excise Case No. 62/2017, arising out of Biraul P.S. Case No. 22/2017, with condition that the petitioners shall file an undertaking at the time of furnishing of bail bonds before the learned court below that they would not indulge themselves in such activity, otherwise, the court below shall be at liberty to take



steps for cancellation of the bail bonds of the petitioners.

(Nilu Agrawal, J.)

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