

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25439 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -RAJAULI District- NAWADA

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1. Mosafir Yadav, Son of Late Mangar Yadav, Resident of Village-Kharaundh, P.S.- Sirdalla, District- Nawada.
2. Pappu Prasad @ Pappu Kumar, Son of Mosafir Yadav, Resident of Village- Kharaundh, P.S.- Sirdalla, District- Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 13-07-2017 Heard Sri Arun Kumar, learned counsel for the

petitioners and Sri Kumar Virendra Narayan, learned Addl. Public

Prosecutor.

Two petitioners, apprehending their arrest in Rajauli P.S. Case No.301 of 2016 registered for the offence under Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2016 have prayed for grant of bail, in the event of their arrest or surrender, primarily on the ground that petitioners have falsely been implicated in the present case by Up-Mukhiya of the village, against whom there was old animosity from petitioners side. By way of referring to Annexure-2 to the petitioner i.e. copy of petition filed before the Sub Divisional Magistrate for initiating a



proceeding under Section 144 Cr.P.C., learned counsel for petitioners submits that on 18.10.2016 , a complaint was filed by petitioner no.1 and his wife for initiation of proceeding under Section 144 Cr.P.C. against father of the informant, namely, Tulsi Yadav and two other persons and, thereafter Up Mukhiya, who is the informant of the case, has fabricated a false case as if petitioners were involved in manufacturing country-made liquor. By way of referring to Seizure list, learned counsel for the petitioners submits that the said recovery was neither shown in the conscious possession nor in the field of petitioners, rather it was shown as if in a forest, accused persons were preparing country-made liquor. In sum and substance, it has been argued that in a complete false manner, petitioners have been made accused.

Considering the facts and circumstances particularly Annexure-2 to the petition, which suggests that much prior to filing of the present case from petitioners side, a petition was filed in the court of learned Sub Divisional Magistrate against father of the informant as well as nature of accusation, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Let the petitioners, namely, (i) Mosafir Yadav and (ii) Pappu Prasad @ Pappu Kumar, in the event of their arrest or surrender within six weeks from today, be released 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 Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No.301 of 2016, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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