

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53098 of 2017

Arising Out of PS. Case No.-244 Year-2017 Thana- BELAGANJ District- Gaya

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1. Uday Yadav son of Ganesh Yadav
 2. Sanjay Yadav, son of Sitaram Yadav
 3. Bhaglu Yadav @ Aklu Yadav, son of Chamarai Yadav
 4. Jairam Yadav, son of Rajdeo Yadav
 5. Pintu Yadav, son of Kaimal Yadav
 6. Arbind Yadav, son of Late Shyamdeo Yadav
 7. Sitaram Yadav, son of Shiya Sharan Yadav

All are residents of village- Dalli Bigha, P.S. Belaganj, District-Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Kunwar Narayan Jamuar, Adv.
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-11-2017 Heard Sri Kunwar Narayan Jamuar, learned counsel for the petitioners and Sri (Dr.) Mrityunjaya Kumar Gautam, learned Addl. Public Prosecutor.

Seven petitioners, apprehending their arrest in Belaganj P.S. Case no.244 of 2017 registered for the offence under Section 30(A) (B) of the Bihar Prohibition and Excise Act,2016, have prayed for grant of bail, in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that it is a peculiar case that on secret information, petitioners and others were named as accused in the F.I.R. and, thereafter, it



was shown as if huge quantity of country-made Mahua liquor was recovered from bush near Falgu river. Learned counsel for the petitioners, by way of referring to the F.I.R., submits that the informant, who is a police officer in first portion of the F.I.R. has stated that in presence of local people he noticed that accused persons fled away. However, in the same F.I.R. in the last portion, the informant has stated that since no independent witness was available, the seizure list was got signed by Chowkidar. He submits that F.I.R. shows contradiction and save and except the fact that on suspicion, petitioners have been made accused, there is no other material against them. He further submit s that the petitioners are having clean antecedent, which fact has been mentioned in paragraph-3 of the petition.

Considering the nature of accusation, clean antecedent as well as the petitioners have been made accused only on suspicion, let all the aforesaid petitioners, namely, 1. Uday Yadav 2. Sanjay Yadav, 3. Bhaglu Yadav @ Aklu Yadav, 4. Jairam Yadav, 5. Pintu Yadav, 6. Arbind Yadav, 7. Sitaram Yadav, in the event of their arrest or surrender within a period of 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 Special Judge, Excise,



Gaya in connection with Belaganj P.S. Case No.244 of 2017,
subject to conditions as laid down in Section 438(2) of the Code
of Criminal Procedure

(Rakesh Kumar, J)

nawalkrs/-

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