

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55058 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -TANKUPPA District- GAYA

- =====
1. Sheobalak Yadav, son of Ramlal Yadav
 2. Mukesh Yadav, son of Sheobalak Yadav

Both residents of village Salempur, P.S. Wazirganj (Tankuppa), District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Tankuppa P.S.**

Case No. 102 of 2017 instituted for the offence under Sections 272 and 273 of the Indian Penal Code.

It has been submitted that there is no recovery from possession of these petitioners. They have no criminal antecedent.

As per written report, police got information that petitioners with others were manufacturing illicit liquor and, thereafter, police party went and seized 50 Litres of Mahua wine and one instrument for preparation of wine.

The seizure list has been enclosed with the First Information Report which shows that the alleged liquor has been recovered from middle of Mehar mountain (*Pahar*). As such, from the



written report as well as seizure list, there is no recovery of any liquor from conscious possession of the petitioners.

It is mentioned in paragraph-3 of the bail petition that petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Tankuppa P.S. Case No. 102 of 2017**, they shall be released on anticipatory 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**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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