

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26357 of 2018

Arising Out of PS.Case No. -45 Year- 2018 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Pappu Kumar Yadav, Son of Bhairo Lal Ray,
 2. Lawak Yadav, Son of Late Jokha Rai, Both resident of Village-
Pachpokhariya, P.S.- Mahuawa, Dist- East Champaran.
 3. Ramu Prasad Yadav, Son of Late Bhagwat Prasad Yadav, Resident of
Village- Bishnupurwa, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Prem Sheela Pandey

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 272 and 273/34 of the Indian
Penal Code and Sections 30(a) and 37(b) of the Bihar Prohibition
and Excise Act, 2016.

125 bottles of Nepali saufi wine is said to have been
recovered from the possession of the petitioners being carried by
them on two motorcycles.

It is submitted by learned counsel for the petitioners
that no incriminating article has been recovered from the



conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the motorcycle in question. They have been falsely implicated in the case at the instance of their enemies by planting aforesaid recovery from their possession. Petitioner no.3 has no criminal antecedent. Though one more case under Excise Act has been lodged against the petitioner nos. 1 and 2 each, but they are on bail in the aforesaid cases. The petitioners have been languishing in custody since 24.02.2018.

From perusal of the impugned order, it appears that petitioner no.2 Lawak Yadav was allowed bail in other Excise Act case by this Court with the condition that in case of finding his involvement in other case of the same nature, his bail shall stand cancelled and petitioner has also given undertaking to the said effect. But despite the aforesaid undertaking and order of this Court, he is involved in the aforesaid offence.

Considering the facts aforesaid, the above named petitioner nos. 1 and 3 are directed to 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 the learned Addl. Sessions Judge-IV cum Special Judge, Excise, Motihari, East Champaran in connection with Chhauradano P.S.



Case No. 45 of 2018.

However, prayer for bail of petitioner no.2 Lawak Yadav is rejected at this stage. However, he may renew his prayer for bail after framing of charge.

(Prakash Chandra Jaiswal, J)

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