

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50222 of 2018**

Arising Out of PS.Case No. -189 Year- 2015 Thana -MAJHAULIA District-  
WESTCHAMPARAN(BETTIAH)

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1. Kamal Yadav, S/o Sheo Yadav,  
2. Suresh Yadav S/o Mamila Yadav,  
3. Bhikhari Yadav S/o Kapildeo Yadav, All R/o Vill.- Amwa Man Bazar,  
P.S.- Majhauria, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL ORDER**

02    14-08-2018                    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 147, 148, 149, 323, 307, 353, 504, 506, 272 & 273 of the Indian Penal Code and Section 47 (a) of the Bihar Prohibition and Excise Act, 2016.

Five drums spirit is said to have been recovered from a Mini Truck and 5400 liters of spirit was taken away from the custody of the police by the accused, Tarachand Yadav, Awadhesh Yadav, Naresh Yadav and 30 to 35 unknown persons. As per account of the spy the aforesaid liquors had been brought there for



vending the same by the 11 accused persons including the petitioners.

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 the place of recovery or any trade of sprite. They were not apprehended on the spot. The identity and genuineness of the source of information is not mentioned in the written report. Petitioner no.1 has no criminal antecedent. Though three more cases have been lodged against the petitioner no.2 but he is on bail in the aforesaid cases and against petitioner no.3 one more case under the Excise Act has been lodged but he is on bail in the said case. Petitioners have been languishing in custody since 01.05.2018, 08.05.2018 and 28.04.2018 respectively. The said Awadhesh Yadav, Naresh Yadav and Tarachand Yadav who had taken away the sprite from the custody of the police have been enlarged on bail by coordinate Bench of this Court in Cr. Misc. No. 42214 of 2016 and Cr. Misc. No.32815 of 2015 vide order dated 04.10.2016 and 13.08.2015.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



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the like amount each to the satisfaction of the learned Incharge  
Special Judge Excise, West Champaran at Bettiah in connection  
with Majhaulia P.S. Case No.189 of 2018.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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