

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 74846 of 2018

Arising Out of PS. Case No.-131 Year-2018 Thana- ROSHANGANJ District- Gaya

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1. Binod Yadav, Son of Late Mahavir Yadav,
 2. Sanjay Yadav, Son of Late Mahavir Yadav, Both R/o Village- Nawadih Tola Barwadih, P.S.- Bankebazar, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

For the Petitioner/s	: Mr.S. Jamil Akhtar
For the Opposite Party/s	: Mr.Sri Gauri Shankar Gupta

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend his arrest in a case registered under Section 30 (a) (c) of Bihar Prohibition and Excise Act, 2016.

It is submitted by the petitioners' counsel that allegation of recovery of 50 liters of country made wine is false. The petitioners have no connection with the said recovery and only because the Village Chaukidar has given the names of petitioners, they have been implicated in this case. They were not present or arrested at the time of recovery. They are having no criminal antecedent prior to the instant case. Seizure is not in accordance with the procedure prescribed under Section 100 of Criminal Procedure Code.



Considering the aforesaid submissions and the facts and circumstances of the case, prayer for anticipatory bail is allowed. Let the petitioners above named, in the event of their arrest or surrender within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Gaya in Roshanganj (Bankey Bazar) Police Station Case No 131 of 2018 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also with the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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