

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11741 of 2019

Arising Out of PS. Case No.-592 Year-2018 Thana- BRAHMPUR District- Buxar *

1. MUNNA YADAV, aged about 42 years, (Male) S/o Late Hira Lal Yadav
2. Gopal Jee Yadav @ Gopal Yadav, aged about 28 years (Male) S/o Late Hira Lal Yadav
3. Munnu Kumar @ Monu Kumar Yadav @ Munna Kumar Yadav @ Monu Kumar , aged about 20 years (Male), Son of Ganesh Yadav.
4. Ramesh Kumar Yadav, aged about 20 years (Male), Son of Munna Yadav
All Resident of Village- Jawahi Diar (Mohaji Toli) P.S.- Haladi, District-
Baliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-03-2019 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Brahmpur P.S. Case No. 592 of 2018 registered for the offences punishable under Sections 30(A), 41 of Bihar Prohibition and Excise Act, 2016.

Informant is a police officer who has alleged in his self statement that he along with other police personnel when arrived at Village Diar Mahaji Dera barrage chuk, some persons tried to flee away on seeing the police from bandh but they were apprehended and 86 cartoons wine containing 4128 bottles



of foreign liquor was recovered from the place.

It has been submitted that no offence has been committed by the petitioners. They have been falsely implicated in this case without any rhyme and reasons. The illicit liquor was recovered from a Mahaji Dera Barrage and not from possession of the petitioners. They have nothing to do with alleged recovery. Petitioners have no criminal antecedent. Petitioner nos. 1 and 2 are full brothers, petitioner no.4 is the son of petitioner no.1 and petitioner no.3 is nephew of petitioner no.1. Petitioners are in custody since 28.12.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise) Buxar, in connection with Brahmpur P.S. Case No. 592 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.



(3) If the petitioners tampers 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.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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