

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12899 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- ANDHRAMATH District- Madhubani

1. Akhilesh Yadav @ Aklesh Yadav@ Akhalesh Yadav, S/o Satya Narayan Yadav, Resident of village-Chhitahi P.S.-Andhramath, District-Madhubani.
2. Santosh Kumar Yadav, S/o Jay Narayan Yadav @ Jay Bansh Yadav, Resident of village-Chhitahi P.S.-Andhramath, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in connection with Andhramath P.S. Case No.180 of 2018 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Excise (Prohibition) Amendment Act, 2016.

Prosecution case as per the written report of S.H.O. Andhamath P.S. is to the effect that on 17.11.2018 at 8.15 P.M., a secret information was received that some people are transporting illicit liquor from Nepal whereupon raid was laid and one persons was apprehended with a bag containing illicit liquor on a motorcycle and two other persons managed to flee



away. The apprehended person disclosed the name of the persons who fled from the scene as Santosh Yadav and Akhilesh Yadav as petitioner No.1 and 2 respectively and from the alleged motorcycle, 35 litres and 400 M.L. of Nepali liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has not been made from the possession of the petitioner. The alleged motorcycle has not been registered in the name of either of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP has vehemently opposed the prayer for bail and submits that the petitioners escaped from the scene when the raid was being laid.

Considering the fact that neither the accusation nor the impugned order suggest that the ownership of motorcycle in question has been ascertained nor the prosecution suggest that the recovery has been made from the possession of the petitioner coupled with the fact that the statement made in paragraph no.3 of the bail application that the petitioners are not having criminal antecedent, the petitioners, above named, be released on anticipatory bail in the event of their arrest or



surrender before the Court below within a period of four weeks from the date of receipt of this order 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. District and Session Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Andhramath P.S. Case No.180 of 2018.

(Dinesh Kumar Singh, J)

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