

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15479 of 2019

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

1. UMESH KUMAR YADAV, aged about 21 years, (Male) Son of Shiv Shankar Yadav Resident of Village - Barka Singhanpura, P.S- Simri, Distt.- Buxar.
2. Raja Kumar Yadav @ Raja Yadav, aged about 14 years (Male) Son of Amar Yadav @ Amarnath Yadav, Resident of Village - Kanjharua, P.S. - Koran Sari, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 28.12.2018 in connection with Brahmpur P.S.Case No.592 of 2018 for the offence alleged under Section 30(A) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police personnel is that on secret information that co-accused Munna Yadav is engaged in illicit liquor trade and is selling illicit liquor in the bandh, the police conducted a raid and apprehended six persons including the petitioners. On search from the said place, 743.04 litres of Indian Made Foreign Liquor was recovered.



Accordingly a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and when the police conducted a raid, large number of persons assembled and the petitioners being the family members of said Munna Yadav have been apprehended. He submits that nothing has been recovered from their conscious possession and four of the co-accused apprehended along with the petitioners have been granted the privilege of bail in Cr.Misc.No.11741 of 2019 dated 05.03.2019. He submits that petitioner no.2 is minor of 14 years of age and being family members of the other co-accused, he has also been made accused.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Brahmpur P.S.Case No.592 of 2018 to the satisfaction of learned Additional District Judge-II-cum-Special Judge (Excise), Buxar subject to the following conditions:-

(i) One of the bailors would be a close relative of the



petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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