

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36076 of 2019

Arising Out of PS. Case No.-155 Year-2019 Thana- MALSALAMI District- Patna

1. Gaurav Kumar @ Gaurav Yadav, Son of Panchu Yadav
2. Saurav Kumar, Son of Panchu Yadav
Both residents of Mohalla- Katra, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2019 Learned counsel for the petitioners is permitted to make necessary correction with regard to the father's name of petitioner no.2 in the body of the vakalatnama as well as petition.

Heard learned counsel for the petitioners and learned APP for State.

The petitioners in this case are seeking anticipatory bail in connection with Special Case No.3621 of 2019, arising out of Malsalami P.S. Case No.155 of 2019, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that Bengali Yadav from whose garage the illicit liquor was



recovered is the grandfather of these petitioners. It is submitted that the family being a joint family these petitioners are not in complete control of the garage in question, they are young aged persons and deserve grant of anticipatory bail because there is no direct material to connect them with the present case.

Learned APP for the State has opposed the prayer for anticipatory bail submitting that the whole family seems to be involved in the sale of illicit liquor.

Considering the facts and circumstances of the case whereunder the garage is said to be that of Bengali Yadav, the grandfather of these petitioners, nobody has seen the petitioners present there in the garage when the police party reached to raid and then these petitioners are young aged persons having no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.3621 of 2019 arising out of Malsalami P.S. Case No.155 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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