

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44159 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- DUMRAO District- Buxar

1. LALU YADAV, aged about 19 years, Male, Son of Umesh Singh Yadav, Resident of Village- Ataon, P.S.- Dumraon, District- Buxar
2. Tufani Yadav @ Tufan Yadav, aged about 25 years, Male, Son of Surendra Yadav, Resident of Village- Ataon, P.S.- Dumraon, District- Buxar

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Rajeev Ranjan, Adv.

For the Opposite Party : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Dumraon P.S. Case No. 205 of 2018 for the offences alleged under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on patrolling duty one Apache motorcycle and one Passion Pro motorcycle were seen. On giving the signal to stop the motorcycles all started to move in fast speed, but, on chase one person of each motorcycle was apprehended, who had kept four cartons, each, in their hands. On query, both disclosed their names as Abhishek Pandey and Vijay Yadav. On search of the cartons of Passion Pro and Apache motorcycles, each carton was found containing 48 bottles of 180 ml of Indian made foreign liquor. The persons, who were in Passion Pro and Apache motorcycles, disclosed the names of the persons, who succeeded in fleeing away.



The submission of the learned counsel for the petitioners is that the petitioners have no criminal antecedent. Their names have come in the confessional statement of co-accused, Abhished Pandey and Vijay Yadav, who are said to have apprehended sitting on both motorcycles, from which 8 cartons were recovered.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Dumraon P.S. Case No. 205 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Excise Act, Buxar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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