

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75799 of 2019

Arising Out of PS. Case No.-387 Year-2019 Thana- HISUWA District- Nawada

1. Jitendra Prasad @ Jitendra Yadav Son of Sukar Yadav Wrongly mentioned in the F.I.R. as Son of Shiva Yadav Resident of Village - Fulwariya, P.S.- Hisua, District- Nawada
2. Mukesh Prasad @ Mukesh Yadav Son of Kailash Yadav @ Kailu Yadav Resident of Village - Fulwariya, P.S.- Hisua, District- Nawada
3. Lalu Yadav Son of Sukar Yadav, wrongly mentioned in F.I.R. as Son of Shiva Yadav Resident of Village - Fulwariya, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in **Hisua P.S.**
Case No. 387 of 2019, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

250 litres of country made liquor kept in drum has
been recovered near *Paine* in the bamboo bush. On query, the
villagers who assembled there, stated that the drum was
concealed in the bamboo bush by these petitioners along with
other co-accused.



It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. Nothing has been recovered from possession of these petitioners. Recovery was made from open place. Petitioners have got no criminal antecedent.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail 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 **Additional District and Sessions Judge II-cum-Special Judge, Nawada** in connection with **Hisua P.S. Case No. 387 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.



(ii) If the petitioners tamper 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.

(Prabhat Kumar Singh, J)

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