

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4093 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- SALAKHUA District- Saharsa

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1. Ram Chandra Yadav @ Ramanand Kumar @ Ramanand Yadav
 2. Vikash Kumar @ Vikash Yadav
- Both are sons of Yashodhar Yadav, Resident of Village- Maniya, P.S.- Salkhua (Banma Itahari OP), District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Special Case No.539 of 2018, arising out of Salkhua P.S. Case No. 200 of 2018 registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the alleged Mahua country made liquor is said to have been recovered from the land of petitioner no.2. So far as petitioner no.1 is concerned, he has been involved in this case only because he happens to be the brother of petitioner no.2.

Learned APP for the State is present and has opposed



the prayer for bail.

Considering the facts and circumstances of the case where it is alleged that the alleged Mahua was being prepared on the land belonging to petitioner no.2, I am not inclined to grant privilege of anticipatory bail to petitioner no.2.

So far as petitioner no.1 is concerned, he is said to have been involved only because he happens to be the brother of petitioner no.2. Keeping in mind this aspect of the matter, the Court is willing to grant privilege of anticipatory bail to petitioner no.1. Let in case of arrest or surrender of the petitioner no.1 within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Special Case No.539 of 2018, arising out of Salkhua P.S. Case No. 200 of 2018, subject to the condition that he shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

So far as petitioner no.2 is concerned, his prayer for



anticipatory bail is rejected. In case he surrenders before the learned court below within a period of four weeks from today and prays for regular bail, the same shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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