

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79790 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- JAYNAGAR District- Madhubani

1. SOHAN YADAV @ SOHAN KUMAR YADAV @ SOHAN KUMAR Son of Bisheswar Yadav Resident of Ward No. 01, Chapradhi, P.S.- Khajauli, Distt - Madhubani.
2. Manoj Yadav Son of Late Laxmi Yadav Resident of Village - Belahi West, P.S.- Jainagar, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 24-06-2020 Heard learned counsel for the petitioner as well as learned APP through video conferencing.

On a tip of prosecution party ambushed and during course thereof, they have found some persons coming from Nepal after crossing the border carrying bag over their heads, who on being chased, ran away after throwing their bags. On chase, one Jatan Sahani was apprehended, who on interrogation, disclosed the names of his associates including the petitioners.

Learned counsel for the petitioners has submitted that police is hostile on account of local politics and that happens to be reason behind presence of their names in so many cases as criminal antecedents. However, fairly submitted with regard to petitioner no. 2 carrying stigma of the years 2012, 2016, 2017 and onward.



Learned APP while opposing the prayer submitted that after introduction of new Act transportation, possession, even consumption, have been made punishable and so, criminal antecedent or illegal activity including that of petitioner no.1 of the year 2019 could be taken into consideration.

Analyzing and scrutinizing the materials available on the record as well as the case diary, petitioner No. 1, namely, **SOHAN YADAV @ SOHAN KUMAR YADAV @ SOHAN KUMAR** is directed be released on anticipatory bail in the event of arrest or surrender within four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Incharge Additional District & Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani** in **Jainagar PS Case No. 195/2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far petitioner no.2, namely, **MANOJ YADAV** is concerned, in the background of his criminal antecedents since the year 2012, his prayer for anticipatory bail does not find favour, whereupon, the same is refused.

(Aditya Kumar Trivedi, J)

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