

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79727 of 2019**

Arising Out of PS. Case No.-163 Year-2019 Thana- RAGHUNATHPUR District- Siwan

1. ABHIMANYU YADAV Son of Late Faujdar Yadav Resident of Village - Rajpur, P.S.- Raghunathpur, District- Siwan
2. Lakhan Yadav Son of Abhimanyu Yadav Resident of Village - Rajpur, P.S.- Raghunathpur, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 20-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Raghunathpur P.S. Case No. 163 of 2019 registered for the offence punishable under sections 30(a) and 41 of Bihar Prohibition and Excise Act.

As per allegation in the F.I.R., a total of 1942.92 litres of IMFL is said to have been recovered during checking of the various vehicle including a truck, Scorpio, Santro, Honda Shine motorcycle etc. Amongst the persons who managed to escape, 11 persons including the two petitioners herein were named in the FIR after being identified by others.

It is submitted by learned counsel for the petitioners that the allegations levelled in the FIR are false and concocted.



Neither any recovery has taken place from their possession nor any of the vehicles, mentioned in the FIR, belong to them. Petitioners have no criminal antecedent. Further a number of similarly situated co-accused have been granted bail vide order dated 08.02.2019 passed in Cr. Misc. No. 7040 of 2019, order dated 05.11.2019 passed in Cr. Misc. No. 65603 of 2019 and order dated 12.12.2019 passed in Cr. Misc. No. 69356 of 2019.

Having heard learned counsels for the parties, in the facts and circumstances as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd-cum-Special Judge (Excise), Siwan in connection with Raghunathpur P.S. Case No. 163 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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