

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83918 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- JAYNAGAR District- Madhubani

1. SOHAN YADAV @ SOHAN KUMAR YADAV S/o- Bisheshwar Yadav Ward No. 01, Resident of Village- Chapradhi, P.S.- Kuar, District- Madhubani.
2. Manoj Yadav Son of Late Laxmi Yadav Resident of Village- Belahi West, P.S.- Jainagar, District- Madhubani.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Mukund Mohan Jha, Advocate.
For the State	:	Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 10-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Jainagar P.S. Case No.186 of 2019 registered under Sections 414, 120(B), 272 and 273 of the Indian Penal Code besides Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016, pending in the court of the Chief Judicial Magistrate, Madhubani.

The accusation is that in course of patrolling duty by the informant along with other police personnel, four persons were seen on two motorcycles, keeping the bags on their motorcycles. In the meantime, they started to flee away but, on



chase, one was apprehended, while others succeeded to flee away. The caught hold person disclosed his name as Amit Kumar Rai and he also disclosed the name of his associates, who succeeded to flee away as Manoj Yadav, Kanhaiya Kumar Yadav and Rohit Kumar Pandit. On search, from the T.V.S. Apache red colour motorcycle bearing Registration No.BR32R-3322, one bag, containing 19 bottles of 375 ml., 27 bottles of 300 ml., 3 bottles of 375 ml. and 115 bottles of 300 ml. Nepali Liquor, was recovered, whereas from the black colour Passion Pro Motorcycle having no registration number, one bag, containing 256 bottles of 300 ml., and 24 bottles of 300 ml., kept in dicky, Nepali liquor were recovered. The caught hold person also disclosed the name of the persons including the petitioners to whom the seized bottles of liquor were to be supplied.

Learned counsel appearing on behalf of the petitioners submits that the petitioners were not apprehended on the spot nor the seized motorcycles belong to the petitioners. The name of the petitioners has come in the confessional statement of the co-accused Amit Kumar Rai, who was apprehended on the spot, to the effect that the seized bottles of liquor were to be supplied to the petitioners and others.



The petitioners appear to be accused in some other cases of similar nature, as detailed in paragraph-3 to this application.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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