

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14889 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BAGHA District- West Champaran

1. SAHEB YADAV Son of Late Khajanchi Yadav Resident of Village- Churai Bariyarpur, P.S.- Yogapatti, District West Champaran.
2. Hridya Yadav @ Haradaya Yadav Son of Late Khajanchi Yadav Resident of Village- Churai Bariyarpur, P.S.- Yogapatti, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Bagaha Patkhauri P.S. Case No. 490 of 2020 registered under Section



414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Harigovind Upadhaya and Ayush Dubey have been arrested upon recovery of 106.800 litres illicit liquor. They have stated the name of the petitioners as being involved in smuggling. It is alleged that mobile-phones, some cash and two motor-cycles allegedly stolen were recovered near the place from where they are arrested.

Learned petitioners' counsel denies and disputes the recovery on the basis of submission that the same is not in accordance with Section 100 Cr.P.C. The petitioners have been falsely implicated on extraneous considerations. Having no criminal antecedent, petitioners are stated to be in custody since 30.8.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise, Bettiah, District- West Champaran in
Bagaha Patkhauli P.S. Case No. 490 of 2020,subject to the
following conditions:-

(i) That one of the bailors will be a close relative of
the petitioners who will give an affidavit giving genealogy as to
how he is related with the petitioners. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioners.

(ii) That the petitioners will be well represented on
each date and if they fail to do so on two consecutive dates, their
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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