

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19536 of 2021**

Arising Out of PS. Case No.-160 Year-2020 Thana- HATHUA District- Gopalganj

1. Bablu Yadav Son Of Hare Ram Yadav Resident Of Village Telmapur, Police Station- Nautan, District- Siwan.
2. Guddu Kumar Yadav @ Guddu Kumar Son Of Daroga Yadav Resident Of Village Telmapur, Police Station- Nautan, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan,Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-08-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Arvind Kumar Pandey, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Hathuwa P.S. Case No. 160 of 2020 registered for the offences punishable under Sections 30(a) and 41(I) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per prosecution story, on secret information the police party reached Mirzapur village and saw one Maruti Car coming from Marachhi side. On seeing the police party the accused persons

tried to escape but the police caught hold of them and they disclosed their name as Bablu Yadav and Guddu Yadav. On search of the said vehicle, total 267 liters of illicit liquor was recovered.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have no concern with the allegedly recovered illicit liquor. The petitioners are in custody since 31.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that petitioner no. 1 is said to be the driver of the Maruti Car and petitioner no. 2 is helper of the said vehicle from which total 267 liters of illicit liquor has been recovered, the petitioners have remained in custody in connection with this case since 31.12.2020 having no criminal antecedent, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with

two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Gopalganj in connection with Hathuwa P.S. Case No. 160 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.