

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21955 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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1. Rakesh Kumar Yadav@ Rakesh Kumar Son Of Biltu Yadav Resident Of Village- Khairamath (G), Ward No. 13, Police Station- Jaynagar, District- Madhubani
 2. Pappu Yadav Son Of Bishun Dev Yadav @ Vishundev Yadav Resident Of Village- Khairamath (G), Ward No. 13, Police Station- Jaynagar, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-07-2021 At the outset, learned counsel for the petitioner is permitted to make correction in the prayer portion of the bail petition.

Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that 27 liters of Nepali country made liquor was recovered from a plastic bag being carried on the motorcycle. Petitioners succeeded in fleeing away on seeing the police.

Learned counsel appearing for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. Nothing incriminating has been



recovered from the possession of the petitioners and they have nothing to do with the alleged recovery. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. Petitioners have got no criminal antecedent and they are in custody since 21.12.2020.

Considering the facts of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in GO Case No.260/2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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