

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23100 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Ganpat Yadav S/O Parikha Yadav
2. Ram Prasad Sah S/O Late Nanhak Sah both R/o village- Athan, P.S.-
Adhaura, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Section 30 of the Bihar Prohibition and Excise Act, 2016 and 2 (c)/3 of Bihar Excise Mahua Flowers Rules, 2006.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious



possession of the petitioners rather five litres of illicit country made liquor and 30 litres swollen Mahua is said to have been recovered near the bank of river and petitioner no. 1 was apprehended on the spot. He submits that a raid was conducted at the premises of Ram Prasad Sah and recovered about 24 quintals of mahua and cash of Rs. 50,000/- He further submits that petitioners has no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 23.12.2020.

Petitioner no. 1 is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below/successor court where the case is pending in connection with Adhaura P.S. Case No. 87 of 2020, subject to the conditions:



(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000.00 (Rupees Ten Thousand) by the petitioner no. 1 and Rs. 20,000.00 (Rupees Twenty Thousand) by the petitioner no. 2 in the PM Cares Fund.

(Anjani Kumar Sharan, J)

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