

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26173 of 2021

Arising Out of PS. Case No.-678 Year-2020 Thana- NAWADA District- Nawada

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1. ASHOK YADAV Son of Chando Yadav Resident of Village - Yadav Nagar, Bhadauni, P.S. - Nawada Town, District - Nawada.
 2. UPENDRA YADAV Son of Sukhdeo Yadav Resident of Village - Yadav Nagar, Bhadauni, P.S. - Nawada Town, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks. In the eventuality of non-removal of defects within the stipulated period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

Altogether 34.875 liters of foreign liquor is said to have been recovered from dicky of a Santro car standing in front of the house of petitioner no.1. It is alleged that seeing the police, two persons engaged in unloading the liquor, fled away.



Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case due to ulterior motive. Neither they have apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor or the vehicle of recovery. The said car does not belong to the petitioners and was only standing in front of the house of petitioner no.1. Petitioners have no criminal antecedent, as also mentioned in para-3 of the anticipatory bail application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Court below, where the case is pending/Successor court, in connection with Nawada (Town) P.S. Case No.678 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

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

(2) The bailors shall also state on affidavit that he will inform the Court concerned if the petitioners is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

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) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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