

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29810 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- MAIRWAN District- Siwan

1. Gayandin Prabhu Yadav, male, aged about 48 years, Son of Prabhu Yadav, Resident of Village Bairakhas Gyanpur Bhadoie, P.S. Gyanpur, District Bhadoie.
2. Jai Bhagwan, male, aged about 35 years, Son of Rajbir, Resident of Village Brahmanwas, P.S. Jalana, District Jind (Haryana).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertake 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 Sections 272, 273, 467, 468, 420 and 120(B) of the Indian Penal Code as well as under Sections 30(a) and 38 (i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 2664 liters of country made liquor is said to have been recovered from container of the truck. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 20.02.2021.

Petitioner No.1 is agreed to deposit a sum of Rs.25,000/- (rupees twenty five thousand) and Petitioner No.2 is agreed to deposit a sum of Rs.10,000/- (rupees ten 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 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/successor court where the case is pending in connection with Mairwa P.S. Case No.54 of 2021 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 bonds of the petitioners no.1 and 2 shall be accepted by the learned Court below on showing receipt of deposit of Rs. 25,000/- (rupees twenty five thousand) and Rs.10,000/- (rupees ten thousand) respectively in the PM Cares Fund.

(Anjani Kumar Sharan, J)

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