

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38432 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- DUMRAO District- Buxar

1. Pappu Yadav @ Indrajeet Yadav Son of Late Manardan Yadav @ Mandal Yadav Resident of Village- Majhwari, P.S.- Simari, District- Buxar (Bihar).
2. Jitendra Yadav Son of Late Manardan Yadav @ Mandal Yadav Resident of Village- Majhwari, P.S.- Simari, District- Buxar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-12-2021                      Let the defects, if any, be removed within four weeks  
of the complete start of the Physical Court.

Heard learned counsel for the petitioners as well as  
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection  
with Dumraon ( Naya Bhojpur O.P)P. Case No. 142 of 2021 for  
the offences punishable under Section 30(a) of Bihar  
Prohibition and Excise Act 2018.

On search by the police personnel 20.5 liters illicit  
foreign made liquor was recovered from bushes of Gaya Sah  
behind the oil mil of Santanu Sah.

Learned counsel for the petitioners submits that



petitioners have falsely been implicated in this case on the basis of confidential information and high handedness of police. He further submits that nothing has been recovered from conscious possession of the petitioners rather the alleged recovery has been made from the bushes of ruin house behind the oil mill of Santanu Sah. Petitioners are in jail custody since 12.04.2021.

The learned A.P.P opposed the prayer for bail of the petitioners and submits that except this case, petitioner no 1 is having seven other cases of same nature and petitioner nos. 2 is having four cases of same nature, which manifests in Paragraph 3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-II cum Special Judge, Excise, Buxar in connection with Dumraon Naya Bhojpur O.P) Sheohar P.S. Case No. 142 of 2021 ,subject to 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.

3. 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.

**(Rajesh Kumar Verma, J)**

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