

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49654 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- LADANIA District- Madhubani

1. VIDYANAND YADAV Son of Satya Narayan Yadav Resident of Village - Yogia, P.s.- Ladaniya, Distt.- Madhubani.
2. Shambhu Kumar Yadav Son of Rajendra Yadav Resident of Village - Yogia, P.s.- Ladaniya, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Ladaniya P.S. Case No. 170 of 2021 corresponding to G.R. No. 995 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 270 liters of Nepali liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent



and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from a white coloured Scorpio bearing registration No. MH-02-NA9776. The petitioners have no concern with the alleged vehicle and the seized liquor. The petitioners are rotting in judicial custody since 14.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 170 of 2021 corresponding to G.R. No. 995 of 2021 with 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 canceled 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.



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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