

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.302 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- HARLAKHI District- Madhubani

1. SAROJ YADAV Son of Ram Avtar Yadav @ Ramotar Yadav Resident of Village - Mohanpur, Ward No.10, P.S.- Harlakhi, Distt.- Madhubani.
2. Md. Altaf @ Md. Altaph Son of Sabir Resident of Village - Umagaon, P.S.- Harlakhi, Distt.- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Arif, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Harlakhi P.S. Case No. 119 of 2020 registered for the offences under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story, while the informant was on night patrolling duty spotted two motorcycle riders and apprehended them on



chase. The apprehended persons disclosed their name Md. Altaf and Saroj Yadav. It is alleged that from the bags tied on both the motorcycles 480 bottles containing illicit liquor were recovered.

Learned counsel submits that the petitioners are in custody since 28.07.2020 having no criminal antecedent. It is submitted that petitioners have no concern with the Apache motorcycle. It is submitted that there is no recovery from the conscious possession of the petitioners.

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

Having regard to the facts and circumstances of the case wherein the petitioners in the present case are said to have remained in custody since 28.07.2020 and prior to the present case they had no criminal antecedent as also the submission of learned counsel for the petitioners that nothing has been recovered from the conscious possession of the petitioners and entire recovery has been made from the Apache motorcycle which does not belong to the petitioners, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) 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 Harlakhi P.S. Case No. 119 of 2020, subject to the condition as laid down



under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

