

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7191 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- ANDHRAMATH District- Madhubani

1. BIRENDRA YADAV S/O BUDHAN YADAV Resident Of Village - Chattapur, P. S. - Andhramath, District - Madhubani.
2. RAMESH YADAV S/O Nathuni Yadav Resident Of Village - Chattapur, P. S. - Andhramath, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms..Kumari Shubham, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned Counsel for the Petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Andhramath P.S. Case No. 118 of 2020 registered for the offences punishable under Section 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, on secret information the informant reached at the place of occurrence and saw two persons coming on motorcycle with a sack. The police personnel stopped them but they tried to escape. The motorcycle riders were apprehended by the police and disclosed



their names as Birendra Yadav (petitioner No.1) and Ramesh Yadav (petitioner No.2). Further on search total 78 litres of Nepali country made liquor was recovered from the possession of the petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated on this case. It is submitted that the petitioners are in custody since 16.08.2020 and prior to the present case they had no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is alleged that from possession of the petitioners 78 litres of Nepali country made liquor has been recovered, the petitioners have remained in jail in connection with the present case since 16.8.2020, prior to this case they had got no criminal antecedent, investigation against them is complete and further incarceration of the petitioners is not likely to come in aid of investigation or the prosecution, this Court directs release of the petitioners above named on bail on furnishing of bail bonds 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 Andhramath P.S. Case No. 118 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'

