

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7282 of 2021

Arising Out of PS. Case No.-286 Year-2020 Thana- BASOPATTI District- Madhubani

1. Rajesh Yadav @ Rajesh Kumar Yadav aged about 20, Years son of Shree Narayan Yadav @ Narayan Yadav, Resident of village- Manmohan, P S- Basopatti, District- Madhubani.
2. Sitiesh Kumar Das aged about 19 years son of Shree Rajgeer Das, resident of village-Kamla Bar Patti, P.S. Harlakhi, Dist. Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioners	:	Mr. Gagan Deo Yadav Advocate
For the State	:	Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioners and learned counsel for the State

3. The petitioners seek bail in Basopatti PS Case No. 286 of 2020, GR No. 1445 of 2020 instituted for the offence under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. The petitioners were allegedly apprehended while carrying 270 litres *Nepali* wine on their own motorcycles.



6. Having no criminal antecedents, petitioners' counsel submits that they have falsely been implicated. The recovery is denied and disputed. The petitioners are in custody since 28.10.2020 and there is no forensic opinion to determine whether the recovered substance was actually an intoxicant.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioners, above named, 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 the learned Additional District and Sessions Judge-II-cum- Special Judge Excise Act, Madhubani, in connection with Basopatti PS Case No. 286 of 2020, GR No. 1445 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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