

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7880 of 2021

Arising Out of PS. Case No.-302 Year-2019 Thana- BIRAUL District- Darbhanga

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1. MANOJ KUMAR YADAV S/O RAMPRIT YADAV R/O VILLAGE-KHOTAHI, PS-BIRAUL, DISTT-DARBHANGA
 2. KAUSHAL YADAV @ KAUSHAL KUMAR YADAV S/O RAMBABU YADAV R/O VILLAGE-KHOTAHI, PS-BIRAUL, DISTT-DARBHANGA
- Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Satyadev Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-11-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Biraul P.S. case No. 302 of 2019 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 pending in the Court of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga.

The allegation against the petitioners is that they along with other co-accused are involved in storing and selling of illegal liquor.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. Petitioners were not present at the place of recovery. The aforesaid recovery place is not the premises of the petitioners and they have no concerned with the seized Bolero pick up. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have one criminal antecedent of similar nature.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioners are actively involved in storing and selling of illegal liquor and in this regard earlier one case has also been lodged against them.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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