

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63544 of 2021

Arising Out of PS. Case No.-328 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. Sanjay Kumar Yadav Son of Nema Yadav Resident of Village - Mustafabad, Police Station Gorya Kothi, 841439. District - Siwan (Bihar).
2. Manu Kumar Yadav Son of Ramdew Yadav Resident of Village/town/Mohalla - Jafarpura, Police Station Gorya Kothi, District - Siwan (Bihar).
3. Rakesh Singh Son of Sawren Singh Resident of Village/town/Mohalla 125/1 Kishore Pura Brindaban Gowardah, Police Station Gowardhan, District Mathura (Uttar Pradesh)
4. Ombir Singh Son of Dalbir Singh Resident of Village/town/Mohalla - Gowardah, Police Station Gowardahn, District - Mathura (utter Pradesh).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Opposite Party/s : Mrs.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-12-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Phulwariya P.S. Case No.
328 of 2021, registered for the offence punishable punishable
under Section 414/34 of the Indian Penal Code and section
30(a)/41(1) of the Bihar Prohibition and Excise Act, 2018.

54 litres of country made liquor has been recovered
from Scorpio vehicle and these four petitioners who were
travelling in the said vehicle apprehended on the spot.

It is submitted that no recovery has been made from



conscious possession of these petitioners. Petitioners have got nothing to do with the alleged recovery. Petitioners are in custody since 12.09.2021. Investigation is complete. It is further submitted that petitioner no. 2 and 4 have got no criminal antecedent whereas, petitioner no. 1 and 3 have got criminal antecedent of similar nature.

Learned APP however vehemently opposed the prayer for bail and submitted that petitioner no. 1 and 3 have got criminal antecedent of similar nature.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged 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 & Sessions Judge II-cum-Special Judge Excise Act, Gopalganj in connection with Phulwariya P.S. Case No. 328 of 2021, once the charge is framed in the case.

(Prabhat Kumar Singh, J)

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