

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3040 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- BARH District- Patna

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SOBHI YADAV @ SAWARATH KUMAR SON OF RADHEY YADAV R/O
VILLAGE- BARAPAR, P.S.- BARH, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 3827 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- BARH District- Patna

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NAWAL KUMAR @ NAWAL YADAV S/o Gonu Yadav @ Kishori Yadav
R/o village- Barapar, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 3040 of 2022)

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 3827 of 2022)

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks. In the eventuality of non-removal of defects within the stipulated period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a



case registered for the offence punishable under section 30(a) of the Bihar Excise and Prohibition Act, 2018.

Altogether 112.500 liters of foreign liquor is said to have been recovered from the open field of wheat and mustard. It is alleged that petitioners are the person who fled away from the spot.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Petitioners have neither been apprehended on the spot nor any incriminating article have been recovered from their conscious physical possession. Allegation against them is that seeing the police, they fled away from the spot. They have no concern either with the seized liquor or any trade of liquor. There is no compliance of section 100 of the Cr.P.C. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National



Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Barh P.S. Case No.119 of 2021 Special 2265/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

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

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the



learned Court below on showing receipt of deposit of
Rs.20,000.00/- (Rupees Twenty Thousand) each in the Patna
High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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