

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14244 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. Vijay Prasad Yadav @ Bijay Yadav Son of Late Bhikhari Prasad Yadav
Resident of Village - Ekdari, P.S.- Chhauradano, District - East Champaran
 2. Arbind Kumar Son of Chhabilal Roy Resident of Village - Ekdari, P.S.-
Chhauradano, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Chhauradano P.S. Case No. 287 of 2021 registered for the alleged offences under Sections 30(a), 41(1) and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that during regular checking on India Nepal Boarder, the petitioners were apprehended while they were asked to stop but they tried to



escape throwing bags (Bora) and were chased and caught. From the bags, 243 liters of country made Nepali liquor was recovered and seized.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case and nothing has been recovered from their conscious possession. It is clear from the FIR that the liquor was recovered from the bags which were not in possession of the petitioners. The charge sheet has been submitted in this case and the petitioners are in custody since 06.11.2021. The petitioner no. 1 is having one criminal case against him, whereas the petitioner no.2 has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 06.11.2021, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 2, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 287



of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioners and another bailor will be the deponent, who has sworn the affidavit.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) The petitioners will not commit similar type of offences in future.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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