

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14230 of 2022

Arising Out of PS. Case No.-235 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. Sheojee Yadav, Son of Late Ram Chandra Yadav
2. Upendra Yadav @ Prithwi Yadav, Son of Late Sipahi Yadav

Both are Residents of village -Masharh Ke Tola, P.S.- Udwant Nagar,
District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-08-2022 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 Udwant Nagar P.S. Case No. 235 of 2020, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

The prosecution case is that on getting information about manufacturing of illicit liquor on the banks of River Banas, a raid was conducted and 500 liters of raw material for preparation of illicit liquor was seized and destroyed and some articles used in the preparation of illicit liquor were also



recovered and 7 liters of illicit Mahua liquor was also recovered. The petitioners and other co-accused persons are stated to have fled away from the spot.

The learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case at the instance of local *Chaukidar*. The petitioners were not arrested from the spot. Nothing incriminating has been recovered from their conscious possession. The petitioners have nothing to do with the recovery made by the police. The recovery has been allegedly made from an open place and the petitioners have not concern with that place. The charge sheet has been submitted in this case and the petitioners are in custody since 01.02.2022. The similarly placed co-accused Lalji Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 08.07.2022 passed in Cr. Misc. No. 15091 of 2022.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been made from the possession of the petitioners and further considering the submission of charge sheet and the period of custody of the petitioners, they are directed to be released on



bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Excise Court-II, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No. 235 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Munna Kumar, nephew of the petitioner no. 2, who has sworn the affidavit in this case.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (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/-

U		T	
---	--	---	--

