

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37997 of 2021

Arising Out of PS. Case No.-566 Year-2020 Thana- PHULPARAS District- Madhubani

1. MANOJ KUMAR YADAV Son of Laxmi Yadav @ Lakshmi Narayan Yadav Resident of Village - Inarba, P.S.- Phulparas, District - Madhubani.
2. Rambalak Yadav Son of Gulai Yadav Resident of Village - Inarba, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard the parties through virtual mode.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the 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 Prohibition and Excise Act, 2016.

Altogether 3,069 liters of illicit liquor is said to have been recovered from a truck and the driver was apprehended on the spot, who disclosed the name of petitioners and other accused



persons who are involved in dealing of liquor.

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. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Their name transpired in the on the confessional statement of the apprehended co-accused. The allegation against the petitioners is that they are member of syndicate who deals in sell and purchase of liquor. Petitioners have no concern either with the seized liquor or any trade of liquor or the place of recovery. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit Rs. 1,00,000.00/- (Rs. One Lac) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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 Phulparas P.S. Case No.566/2020, corresponding to G.R. No.1684 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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.1,00,000.00/- (Rs. One Lac) each in Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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