

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32384 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- DHANGAI District- Bhojpur

1. Papu Samrat @ Papu Yadav, Son of Dara Singh @ Dara Mukhiya @ Dara Yadav @ Manji Singh, Resident of Village - Anadhari, P.S.- Tiyar, Distt.- Bhojpur.
2. Lalu Smarat @ Lalu Yadav, Son of Dara Singh @ Dara Mukhiya @ Dara Yadav @ Manji Singh, Resident of Village - Anadhari, P.S.- Tiyar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 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 Dhangai P.S. Case No. 82 of 2021 registered for the alleged offences under Sections 323, 342, 386, 120B, 506 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police came to know about illicit trade of liquor by the petitioners and other co-



accused persons, a raid was conducted and from the house of the co-accused, about seven litres of India made foreign liquor was recovered along with sale proceeds of Rs. 16,500/-.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Except for confessional statement of co-accused, there is nothing against the petitioners. The petitioners are neither the owner of the place from where recovery has been made, nor the owner of the vehicles which have been seized. No recovery has been made from them and the petitioners were not apprehended from the spot. Charge-sheet has been submitted in this case and the petitioners are in custody since 17.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioners are having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the petitioners and further considering the submission of charge-sheet and 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 Exclusive Special Excise Court no.-1, Bhojpur at Ara or concern



court Bhojpur at Ara, in connection with Dhangai P.S. Case No. 82 of 2021, 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 the person, who has sworn the affidavit in the 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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