

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42327 of 2021**

Arising Out of PS. Case No.-170 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. Vishal Yadav, son of Late Parma Yadav,
2. Ajit Kumar Yadav, son of Prabhat Kumar Yadav
Both are R/O Village-Bathua, Mahua Tola, P.S-Manjhagarh, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Manoj Kumar, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Phulwariya P.S. Case No. 170 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise Act. They are in custody since 04.06.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was checking the vehicles with other



police personnel near Briksha Bathua Mishra Computer, one Maruti care came there and on asking to stop the vehicle for checking, the driver of the vehicle tried to flee away but on chase the persons who were in the vehicle were apprehended and disclosed their names as Vishal Yadav and Ajit Kumar Yadav. The informant further alleged that on search of the dickey of the vehicle total 103.6 liters of illicit liquor were recovered.

Learned counsel for the petitioners submits that petitioners are falsely implicated in this case. Learned counsel submits that the car from which the illicit liquors were recovered does not belong to the petitioners.

Mr. Manoj Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that altogether 103 liters approximately of illicit liquor were recovered from the Maruti Car, the Car does not belong to the petitioners, the petitioner no. 1 is said to be the driver and nothing has been stated as regards petitioner no. 2, both of them are having no criminal antecedent and they are in custody in connection with this case since 04.06.2021, investigation against them is complete and their appearance may be secured in course of trial,



this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -2nd-cum-Special Judge, Excise, Gopalganj in connection with Phulwariya P.S. Case No. 170 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

