

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47471 of 2021

Arising Out of PS. Case No.-184 Year-2021 Thana- LADANIA District- Madhubani

1. Nnnu Kumar Yadav, Sex- M, aged about 24 years, S/o Late Raj Kumar Yadav R/o village- Baheri, P.S.- Pandaul, Distt.- Madhubani
2. Amresh Kumar, Sex- M, aged about 26 years, S/o Rambriksha Mahto R/o village- Bhelha, P.S.- Lalmaniya, Distt.- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Adv.

For the Opposite Party : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 The matter has been listed today for consideration through Video Conferencing.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek bail in Ladaniya PS Case No. 184 of 2021, instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



225 litres illicit liquor has been recovered from some motorcycles and a Scorpio vehicle. It is alleged that petitioners were fleeing away from the place and have been apprehended.

Petitioners' counsel submits that other than suspicion arising out of their proximity to the place of recovery, there is nothing to connect them with the alleged recovery of illicit liquor. They have no criminal antecedents and they are in custody since 22-06-2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, the allegations that the petitioners were fleeing away from the place of recovery and that no recovery is alleged from their conscious possession, this Court is inclined to allow the prayer. Moreso, having regard to the period of custody and their fair criminal antecedent. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- II-cum- Special Judge, Excise Act, Madhubani, in connection with Ladaniya Case No. 184 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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