

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50122 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- KAUWAKOL District- Nawada

1. LALU YADAV S/O LAXMI YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada
2. SANJAY YADAV S/O KAMESHWAR YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada
3. LATAN YADAV S/O LATE SITARAM YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada
4. MUNNI YADAV S/O KESHAV YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada
5. AJAY YADAV S/O BALO YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada
6. SUDHIR YADAV S/O BHAIRO YADAV R/o village- Guagho Ghara, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-02-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail as against the petitioner nos.1 and 2, as they have already been



arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner nos.1 and 2 is dismissed as withdrawn.

Now, the present appeal is being heard on behalf of petitioner nos.3, 4, 5 and 6.

Petitioners apprehend their arrest in connection with Kawakole P.S. Case No.217 of 2020, registered for the offence punishable under sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

50 liters each of country made liquor is said to have been recovered from 8 motorcycles and it is alleged that the petitioners fled away from the spot on seeing the police.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to dirty village politics. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. It is evident from the F.I.R. itself that all the



recovered motorcycles from the place of occurrence are without registration number and the same does not belongs to the petitioners. Petitioners have no criminal antecedents, as also mentioned in para-3 of the application.

Petitioner nos.3 to 6 are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) 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 petitioner nos.3, 4, 5 and 6, 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 Kawakole P.S. Case No.217 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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 petitioner nos.3, 4, 5 and 6 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

pallavi/-

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

