

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49237 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- PHULPARAS District- Madhubani

1. RAM BHAROSH YADAV S/o Yogendra Yadav R/o village and P.O.- Kirani Patti, P.S.- Phulparas, District- Madhubani
2. Jay Prakash Yadav @ Jay Prakash Kumar Yadav S/o Inder Dev Yadav R/o village and P.O.- Kirani Patti, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, on a search being conducted it is stated that the accused persons including the two petitioners herein managed to escape. On search 1484.28 litres of liquor was recovered from the vehicle abandoned by the petitioners as also one loaded country-made pistol and a separate live cartridge was recovered from the vehicle in question.

It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. Neither they were arrested at the spot nor any incriminating article was recovered from their possession. Only material against them is the statement of the local *chaukidar* made before police. The vehicle in question does not belong to the two petitioners herein. The petitioners are in custody since 1.4.2021 and have no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioners not having been arrested at the spot nor having any criminal antecedent and having remained in custody for over 10 months, the petitioners are directed to be enlarged on bail in connection with Phulparas P.S. Case no. 13 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. II, Madhubani.

(Partha Sarthy, J)

Spd/-

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

