

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43573 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- GURUA District- Gaya

1. Mukesh Kumar Yadav Son of Lakshaman Yadav Resident of Village- Manda, Tola Shanker Bigha, Police Station- Gurua, District - Gaya.
2. Rashmi Kumari Daughter of Harihar yadav Resident of Village- Bhat Bigha, Police Station- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 353
of the Indian Penal Code and Sections 30(a) and 61 of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of 600 liters of country-made liquor.

Learned counsel for the petitioners submits that
the petitioners have clean antecedent and they have falsely been
implicated in the present case only on the ground that the



motorcycle of the petitioners was stand near the funeral ghat. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioners or the motorcycle in question and the names of the petitioners have been transpired on the basis that the motorcycle has been recovered from the place of the liquor seized. Learned counsel for the petitioners categorically stated that the petitioners have no concern at all with the seized liquor.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gurua P.S. Case No. 74 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, 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.

(Rajesh Kumar Verma, J)

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