

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46587 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- MADANPUR District- Aurangabad

1. Balkeshwar Yadav Son Of Muneshwar Yadav R/O Village- Siraundha, P.S.- Madanpur, District- Aurangabad
2. Keshwar Yadav Son Of Muneshwar Yadav R/O Village- Siraundha, P.S.- Madanpur, District- Aurangabad
3. Sujeet Kumar Son Of Arjun Yadav R/O Village- Siraundha, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47387 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- MADANPUR District- Aurangabad

ARJUN YADAV Son of Muneshwar Yadav R/v- Siraundha, P.S- Madanpur,
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46587 of 2022)

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 47387 of 2022)

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-11-2022 At the outset, It is submitted by learned counsel

for the petitioner that he seeks permission to withdraw this

application against petitioner no.2 (Keshwar Yadav) of Cr. Misc.

46587 of 2022.



Permission is accorded.

This application is dismissed as withdrawn against petitioner no.1.

So far as rest of the petitioners are concerned, the instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Madanpur P.S. Case no. 308 of 2021 instituted for the offence under Sections 30(a) and 33 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 42 liters illicit country made liquor near the Ajanwa mountain.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case on mere suspicion. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery of illicit liquor or with the place of occurrence. The name of the petitioners have been disclosed in this case on statement of local Chaukidar. It is further submitted that neither the petitioners were arrested nor any incriminating article has been recovered from their conscious possession.

Learned APP appearing for the State has opposed the



prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail except petitioner no.2 (Keshwar Yadav) of Cr. Misc. 46587 of 2022. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Madanpur P.S. Case no. 308 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court 1st, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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