

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47503 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- HARLAKHI District- Madhubani

Gunjan Kumar Yadav Son of Lakshmeshwar Yadav @ Lakmleshwar Yadav
Resident of Village - Nagarain Ward No.6, P.s.- Jathi, Distt.- Dhanusha,
Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47291 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- HARLAKHI District- Madhubani

Rupesh Kumar Yadav Son Of Arun Kumar Yadav R/V- Nagarain Ward No. 6,
Tola Lagama, P.S- Jathi, Dist- Dhanusha, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47503 of 2022)

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

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 47291 of 2022)

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

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four
weeks from today.

Both the applications arise out of similar police
station case and as such with consent of the parties, the
same is being heard together and disposed of by the present



order.

Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Harlakhi P.S. Case No.140 of 2022 for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and section 30(a), of the Bihar Prohibition & Excise Amendment Act.

In course of patrolling duty in the Nepal Boarder, Pipraun, police intercepted the petitioners, who were allegedly coming on a motorcycle with a bag and on search 90 liters Nepali country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that the seized motorcycle bearing registration no. BR06AC-3989 which admittedly belongs to State of Bihar India, where as the petitioners are citizen of Nepal and as such the vehicle does not belong to the petitioners. He next submits that in fact on the alleged date of occurrence, on account of raid conducted by police personnel accused



persons started fleeing away from the place of occurrence however, both the petitioners having no concern with the motorcycle or with the illicit liquor and they were apprehended at the spot on suspicion. He also submits that the petitioners are men of fair antecedent and they are in custody since 20.05.2022, though the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that investigation of the crime is already complete and charge sheet has been submitted and there is no likelihood of commencement of trial in near future and the petitioners are in custody since 20.05.2022, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Madhubani in connection with Harlakhi P.S. Case No. 140 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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