

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50101 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- CHOUTARWA District- West
Champaran

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1. ASHOK YADAV Son of Hari Yadav Resident of village - Bariarawa, P.S.-
Chautarwa, District - West Champaran.
 2. Shiv Pujan Yadav Son of Jugul Yadav Resident of village - Bariarawa, P.S.-
Chautarwa, District - West Champaran.
 3. Raja Yadav @ Mahindra Yadav Son of Late Bishwanath Yadav Resident of
village - Harpur, P.S.- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Adv.
For the Opposite Party/s : Mr.Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners is directed to remove
the defects within four weeks.

Petitioners apprehend their arrest in connection with a
case registered for the offence punishable u/s 30(a) of the Bihar
Prohibition and Excise Act-2016.

Altogether 130.68 litres of foreign liquor is said to have
been recovered from a vehicle (Car) and driver of the car was
apprehended on the spot and he disclosed the name of these
petitioners involved in illegal liquor business along with him.

Learned counsel for the petitioners submits that petitioner



No. 1 has one criminal antecedent which is of similar nature of the offence, petitioner No. 2 has two criminal antecedents and petitioner No. 3 has no criminal antecedent. They are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the confessional statement of apprehended co-accused. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor.

Petitioners are agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, 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 Chautarwa P.S. Case No.263 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) That 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 the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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