

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49870 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- MAIRWAN District- Siwan

1. Bhola Ji Tiwari, Son of Late Ramaji tiwari, Resident of Village- Hulash Chapra, Police Station- Goreakothi, District - Siwan.
2. Mukesh Kumar Pandey @ Mukesh Kr. Pandey, Son of Krishnanand Pandey Resident of Village- Hulash Chapra, Police Station- Goreakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51246 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- MAIRWAN District- Siwan

Arun Yadav @ Pappu Yadav Son Of Shyam Bahadur Yadav R/O Village- Bhathahi, P.O.- Bhathahi, P.S.- Bankata, District- Deoria (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49870 of 2022)

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

(In CRIMINAL MISCELLANEOUS No. 51246 of 2022)

For the Petitioner/s : Mr.Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in

connection with Mairwa P.S. Case No. 276 of 2022 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, a bolero vehicle and a motorcycle were intercepted by the police during checking and three persons riding the motorcycle were apprehended along with their motorcycle. Two persons fled away from the Bolero and two persons sitting in the vehicle were apprehended. The petitioners Bhola Ji Tiwari and Mukesh Kumar Pandey are the persons sitting in the vehicle and they disclosed the name of the petitioner Arun Yadav who made good his escape from Bolero. From Bolero vehicle 285.120 litres of India made foreign liquor and from the motorcycle 36.625 litres, of country made/India made foreign liquor were recovered.

Learned counsels for the petitioners submits that the petitioners have been falsely implicated in this case merely on suspicion. Nothing incriminating has been recovered from their conscious possession and they have nothing to do with the allegedly seized contraband. The vehicles in question do not belong to the petitioners. The petitioner Bhola Ji Tiwari and mukesh Kumar Pandey did not try to escape and this shows their innocence. Petitioner Arun Yadav was not apprehended

from the spot and nothing substantive came up against him during investigation. The petitioners have got clean antecedent and are in custody since 17.07.2022 and 18.08.2022, respectively.

Learned APP opposes the submission made on behalf of the petitioners.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody along with their clean antecedents and submission of charge-sheet, the petitioners above named are directed to 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 Exclusive Special Excise Court No.1, Siwan in connection with Mairwa P.S. Case No. 276 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive

dates or in violation of the terms of the bail, the
bail bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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