

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53769 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SIMRI District- Buxar

-
1. MANOJ YADAV Son of Gopal Yadav Resident of village - Tilak Rai Ka Hata, P.S.- Simari, District - Buxar
 2. Budha Yadav @ Prabhu Yadav Son of Gopal Yadav Resident of village - Tilak Rai Ka Hata, P.S.- Simari, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek bail in connection with Simari (Hata O.P.) P.S. Case No. 130/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 60.480 liters foreign liquor from bush situated in the open Ganga Diyara area. The local Chaukidar disclosed the name of petitioners and others who fled away from the place of



occurrence.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners are languishing in custody since 06.06.2022 and bear criminal antecedent of one case of similar nature. Nothing has been recovered from the conscious possession of the petitioners. The petitioners were neither apprehended on the spot nor concerned with the seized wine.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise, Court No.2, Buxar in connection with Simari (Hata O.P.) P.S. Case No. 130/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

