

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67170 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- MAIRWAN District- Siwan

1. RAJESH YADAV, Son of Mahendra Yadav Resident of Village - Bayadeeh, P.S.- Saraiya, District - Muzaffarpur.
2. Krishna Kumar Yadav, Son of Shivji Rai Resident of Village - Kinaro, P.S.- Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Mairwan P.S. Case No. 308 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 272.760 liters of foreign liquor made from a car.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent, are innocent and have



falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from a car in question and the petitioners have no concern with the alleged recovery. He further submits that the police after investigation submitted charge-sheet against the petitioners and other accused persons. The petitioners are rotting in judicial custody since 05.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd -cum-Special Judge (Excise), Siwan in connection with Mairwan P.S. Case No. 308 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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