

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66350 of 2021**

Arising Out of PS. Case No.-308 Year-2021 Thana- LAUKAHA District- Madhubani

1. RAJA YADAV @ NIRANDHAN YADAV @ NIRANJAN YADAV S/o Shatrudhan Yadav R/o village- Hariraha, P.S.- Pato, District- Saptari (Nepal), A/P- Atari, P.S.- Laukahi, District- Madhubani
2. Vijay Yadav S/o Late Amul Prasad Yadav R/o village- Atari, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ravi Prakash, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioners seek bail in Laukaha Police Station (for brevity, PS) Case No 308 of 2021 dated 21.09.2021, GR No 1735 of 2021 registered for the offence punishable under Sections 272, 273, 414/34 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

As per allegation, 270 liters Nepali wine has been recovered from the petitioners' vehicle.

Learned counsel for the petitioners submits that the petitioners have no concern with the vehicle or the recovered



liquor. They are neither owner nor driver of the vehicle in question. While they were on their way, on suspicion, they have been arrested by the police. Having no antecedent, they are in custody since 21.09.2021 and investigation is complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Laukaha PS Case No 308 of 2021 dated 21.09.2021, GR No 1735 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on



each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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