

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.67022 of 2021**

Arising Out of PS. Case No.-258 Year-2021 Thana- MIRGANJ District- Gopalganj

1. Bachcha Yadav @ Upendra Yadav @ Upendra Kumar Son of Bramha Yadav  
Resident of Village - Jigna Jagarnath Tota Ram Ke Tola, P.S.- Mirganj,  
Distt.- Gopalganj.
2. Manju Devi W/o Bachcha Yadav @ Upendra Yadav @ Upaendra Kumar  
Resident of Village - Jigna Jagarnath Tota Ram Ke Tola, P.S.- Mirganj,  
Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raghav Prasad  
For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

2      01-04-2022                      Heard learned counsel for the petitioners and learned  
APP for the State through virtual court proceedings.

The petitioners apprehend their arrest in Mirganj P.S.  
Case No.258 of 2021, registered for the offence punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that there  
is no recovery from the conscious possession of the petitioners  
rather 51 litres of illicit wine is said to have been recovered  
from the door of petitioner, Bachcha Yadav. It is further  
submitted that the apprehended person disclosed the name of the  
petitioners. The petitioners have got no criminal antecedent as  
stated in para 3 of the bail application.



Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Petitioners are ready to deposit a sum of Rs.20,000/- (rupees twenty thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the fact that there is no recovery from the conscious possession of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on 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 learned Additional Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Mirganj P.S. Case No.258 of 2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulge in an offence of similar



nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bonds of the petitioners shall be accepted by learned court below on showing receipt of deposit of Rs.20,000/- (rupees twenty thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

**(Anjani Kumar Sharan, J.)**

Sanjay/-

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