

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55788 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BENIPATTI District- Madhubani

1. Jashbindar Yadav @ Jalvindar Yadav Son Of Satya Narayan Yadav R/O Village- Piprauni (Piprain) Dighiya Tol, P.S.- Harlakhi, Distt.- Madhubani
2. Nitu Yadav @ Nitta Yadav Son of Ram Ashish Yadav R/O Village- Piprauni (Piprain) Dighiya Tol, P.S.- Harlakhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two weeks from today.

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

The petitioners seek regular bail in connection with Benipatti P.S. Case No. 138 of 2022 lodged under Sections 272, 273, 34 of I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, total recovery of 792 liter of Nepali wine has been made, which is subject matter of the present case.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He submits that there are total three places from where the said wine has been recovered. He further submits that petitioners are in custody since 31.05.2022 having clean antecedent. Charge-

sheet has already been filed in this case. Learned counsel for the petitioners submits that present petitioners are related to 360 liter of Nepali wine from the Hyundai car. He submits that there are 2 persons, who are alleged to be apprehended, upon chase. He further submits that petitioner no. 1 is owner and petitioner no. 2 is co-passenger of the vehicle, no recovery was made from their conscious possession.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II- Cum – Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 138 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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