

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56167 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- MIRGANJ District- Gopalganj

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1. MANOJ YADAV SON OF SHARMA YADAV @ SHARMA CHAUDHARI
R/O VILLAGE- SIHORAWAN, P.S.- MIRGANJ, DISTT.- GOPALGANJ
 2. SHAILESH YADAV @ PALLI SON OF GAYA YADAV R/O VILLAGE-
CHAINPUR, P.S.- HATHUA, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2022 Heard the parties through virtual court proceedings.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act-2018.

Altogether 50 litres of country made liquor is said to have been recovered from one motorcycle and one co-accused person was apprehended on the spot. It is alleged that petitioners and others fled away with another motorcycle.

Learned counsel for the petitioners submit that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of his enemies. Their names transpired



in this case on the confessional statement of apprehended co-accused. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Petitioners are not the owner of the seized motorcycle. Petitioner No.1 has one criminal antecedent which is of similar nature. Petitioner No. 2 has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.1 is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) and petitioner no.2 is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 the



learned Court below, where the case is pending/Successor court, in connection with Mirganj P.S. Case No.174 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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