

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58000 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- NAUTAN District- West Champaran

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Krishna Yadav Son of Birchha Yadav @ Briksha Yadav Resident of Village-
Bariyarpur, P.S.- Nautan, District- West Champaran (as per FIR) and
Resident of Village- Dakshin Telhua, P.S.- Nautan, District- West Champaran
(as per Aadhar Card)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 58364 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- NAUTAN District- West Champaran

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Anand Yadav @ Anand Mohan Yadav S/O Shankar Yadav @ Shankar Prasad
Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58000 of 2022)

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 58364 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of from Nautan

P.S. Case No. 297 of 2021, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks (if any).

In the present case, the petitioners seek bail in connection with Nautan P.S. Case No. 297 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received information about petitioners and other co-accused persons indulging in illicit trade of liquor. On raid at the identified spot 199.440 litres of India made foreign liquor was recovered from sugarcane field.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case as they were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The petitioners are in custody since 07.07.2022 and are having clean antecedent and charge-sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioners.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the

clean antecedents of the petitioners and further considering their period of custody along with the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, District-West Champaran in connection with Nautan P.S. Case No. 297 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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