

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70737 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- UPHARA District- Aurangabad

1. MAHESH YADAV S/o Late Ramsewak Yadav Resident of Village- Khaurikhap, P.S.- Bandeya, District- Aurangabad.
2. Shailesh Bind S/o Chandradeo Bind Resident of Village- Shekhpura, P.S.- Bandeya, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 4800 litres of liquor from a container and one vehicle as detailed in the F.I.R., but no one was arrested from the place of occurrence.

Learned counsel for the petitioners submits that the



petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that petitioners are neither the owner nor the driver of the alleged vehicles and their name was disclosed by the local *chowkidar* for reasons best known to him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedent, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees 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 Uphara P.S. Case No. 53 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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