

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58581 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- BENIPATTI District- Madhubani

1. RAMBABU YADAV Son of Ghuran Yadav Resident of village - Umgawn,
P.S.- Harlakhi, Dist.- Madhubani
2. Ramdayal Yadav Son of Dhaneshwar Yadav Resident of village - Jatahi,
P.S.- Jatahi, Dist.- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273 and 34 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 111.6 litres liquor from a Tata Safari vehicle and 261 litres liquor from a Xylo car.

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 further



submitted that both the vehicles belong to the petitioner no.2 and they came to be implicated based on the confessional statement of Nagendra Yadav. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus create evidence against himself and also the petitioners were completely unaware that Nagendra Yadav would use the vehicles for such an illegal purpose.

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, 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. 2,000/- (Rupees Two 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 Benipatti P.S. Case No. 171 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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