

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70808 of 2021

Arising Out of PS. Case No.-257 Year-2021 Thana- NAWANAGAR District- Buxar

1. Ramjee Yadav Son Of Dina Nath Yadav Resident Of Village- Mahadevganj, P.S- Nawanagar Dist- Buxar
2. Amit Kumar Son Of Ramjee Yadav @ Ramji Yadav Resident Of Village- Mahadevganj, P.S- Nawanagar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

In the present case, the petitioners seek bail in
connection with Nawanagar P.S. Case No. 257 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition & Excise (Amendment) Act, 2018.

As per prosecution case, recovery of total 350 litres of
illicit country made *Chulai* liquor was made from the newly
constructed house as well as motorcycle of the petitioners. The
petitioners escaped from the spot when the raid was being



conducted.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have been victim of the situation prevailing in the village and as they opposes the sell of illicit liquor by a group of persons, they have been falsely implicated in this case. As their newly constructed house is situated in the field which the accessible to any person, the liquor was planted. The petitioners are father and son, it is not possible that they will get involved together in illegal trade of liquor. The petitioners are in custody since 04.08.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from their conscious possession and also considering their period of custody and 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 Additional District Judge-II-cum Special Judge, Excise,
Buxar in connection with Nawanagar P.S. Case No. 257 of
2021, subject to 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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