

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61303 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- JAYNAGAR District- Madhubani

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Lalan Yadav @ Lalan Kumar Yadav Son Of Radhe Yadav @ Radhe Krishan
Yadav R/V- Khairamath, P.S- Jaynagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 61414 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- JAYNAGAR District- Madhubani

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Nitish Kumar Son Of Dev Sundar Yadav R/V- Khairamath, P.S.- Jaynagar,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 61303 of 2022)

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Ms. Asha Devi

(In CRIMINAL MISCELLANEOUS No. 61414 of 2022)

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Jaynagar P.S. Case No. 261 of 2022 dated 07.08.2022 G.R. No. 1373 of 2022, registered for the offences punishable under Sections 414 of the I.P.C. and 30 (a) Bihar Prohibition and Excise Act-2018.

The prosecution story as emerges form the FIR is that total 330 liters Nepali liquor has been recovered from a motorcycle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioners are neither the owner of the vehicle nor the driver of the vehicle.

The petitioners have been languishing in jail since 08.08.2022.

It is also stated in paragraph no. 2 of the petition



that the petitioners have not moved earlier before this Court for grant of regular bail or anticipatory bail.

It has further been stated in paragraph no. 3 that the petitioner, namely, Lalan Yadav @ Lalan Kumar Yadav has one criminal antecedent and the petitioner, namely, Nitish Kumar has two criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani, in connection with Jaynagar P.S. Case No. 261 of 2022 dated 07.08.2022 G.R. No. 1373 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



Learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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