

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64977 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHKAR District- Gaya

1. UPENDRA YADAV Son of Bhalo Yadav Resident of village - Shek Bigha, Police Station - Khizersarai, District - Gaya
2. Manoj Kumar Son of Lakhan Yadav @ Ram Lakhan Yadav Resident of village - Kosaila, Police Station - Mahkar, District - Gaya
3. Nitish Kumar Son of Mahendra Yadav Resident of village - Kosaila, Police Station - Mahkar, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2022 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 272 and 273 of the Indian Penal Code read with Sections 30(a) (b) (c) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 60 litres liquor from a place near a canal along with 1000 litres semi-prepared *mahua* solution which was destroyed at the spot.

Learned counsel for the petitioners submits that



petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that even the alleged recovery is from a place which is accessible to public at large and they came to be implicated at the instance of *chowkidar* and it appears that the *chowkidar* with a view to save the real culprits, falsely implicated the petitioners when petitioners admittedly are persons with clean antecedent.

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. 1,000/- (Rupees One 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 Mahkar P.S. Case No. 52 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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