

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9800 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

1. SHARVAN YADAV @ SHRAVAN KUMAR Son of Sahdev Yadav Resident of Vill. - Bairajpur, P.S.- Ladaiya Tand, Distt.- Munger
2. Rabindra Yadav @ Rabu Yadav @ Rabin Yadav Son of Fekan Yadav Resident of Vill. - Bairajpur, P.S.- Ladaiya Tand, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 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 & 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether, 300 litres of illicit liquor has been recovered from the tempo. Three persons were apprehended on spot whereas three persons were succeeded in fleeing away.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious



physical possession of the petitioners rather illicit liquor is said to have been recovered from a tempo. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They are not the owners of the seized tempo. Petitioners have been falsely implicated in this case at the instance of their enemies. They were not apprehended on the spot. They had not consumed liquor. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) each in account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Piri Bazar P.S. Case No. 99 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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