

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23118 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- MADHWAPUR District- Madhubani

1. RAJESH YADAV SON OF NIRASH YADAV RESIDENT OF VILLAGE -
BAIRBA USRAHI TOL, P.S. - MADHWAPUR, DISTT. - MADHUBANI
2. BHOLA SAHNI SON OF MUNESHWAR SAHNI RESIDENT OF
VILLAGE - BAIRBA USRAHI TOL, P.S. - MADHWAPUR, DISTT. -
MADHUBANI
3. SANJEET SAHNI SON OF BHIM SAHNI RESIDENT OF VILLAGE -
BAIRBA USRAHI TOL, P.S. - MADHWAPUR, DISTT. - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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
Act, 2022.

Learned counsel for the petitioners submits that petitioners
are persons with clean antecedent.

Allegation is of recovery of 300 litres of liquor from sacks
tied on four bicycles.

Learned counsel for the petitioners submits that petitioners
were not arrested from the spot, as such, nothing was recovered from
their conscious possession and their names transpired in the



confessional statement of co-accused Madan Yadav in police custody which does not have any evidentiary value in the eye of law. It is further submitted that petitioners are not the owner of the bicycles.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

The Court fails to appreciate that as to why the learned District Court did not record the facts of the case including the defence of the petitioner and rejection of the anticipatory bail application is mechanical.

Let a copy of this order be communicated to the learned District Judge for perusal of the concerned Court.

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 Madhwapur P.S. Case No. 170 of 2022 corresponding to G.R. No. 2273 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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