

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30789 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- JADOPUR District- Gopalganj

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1. Rameshwar Yadav, Son Of Chandrama Yadav Yadav Resident Of Village-Bangri, Jadopur, Shukul, Ps- Jadopur, Dist-Gopalganj, Bihar
 2. Harendra Yadav, Son Of Kawalpati Yadav Resident Of Village-Bnagri, Jadopur Shukul, Ps-Jadopur, Dist-Gopalganj, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devashish Giri

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act, 2016.

The learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and the allegation is
of recovery of 117 litre of liquor, out of which, 36 litre was
recovered from the bamboo clump of the petitioners.

The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession. It is further submitted
that the bamboo clump belonged to the petitioners, but then, no
prudent persons would use their own land for committing a crime



and thus, would create evidence against themselves and hence, would get implicated, when admittedly, petitioners are persons with clean antecedent. It is next submitted that the alleged recovery is also of a meager amount. Hence, it appears that someone inimical to the petitioners in order to implicate them kept the liquor in their bamboo clump, which is an open space and is accessible to villagers at large.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj in connection with Jadopur P. S. Case No.67 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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