

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38796 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- PARANDABAR District- Nawada

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1. AKHILESH KUMAR SON OF BHAIRO YADAV RESIDENT OF VILLAGE- KORIAYA, PS- GURPA, DISTT- GAYA
 2. BIRENDRA YADAV SON OF REBAT YADAV @ REWA YADAV RESIDENT OF VILLAGE- KORIAYA, PS- GURPA, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 30(a) & 41 of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 450 liters of mahua wine is said to have recovered from the motorcycles. He further submits that the seized motorcycle does not belong to the petitioners. He submits that petitioners were not apprehended on the spot rather



their name has been disclosed by apprehended person who are at enemical term with petitioners. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees xxx Thousand) each in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Considering the facts and circumstance of the case, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five 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 Parnadabar P.S. Case No. 95 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

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



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

6. The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

7. Learned Court below is directed to verify the fact that any of the seized vehicle belongs to the petitioner or not. If any, vehicle belong to the petitioners, the bail bond of the petitioners shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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