

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41146 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- LAUKAHI District- Madhubani

1. Krishna Dev Yadav @ Krishnadev Yadav @ Krishna Yadav S/o Tirpit Yadav R/O Village- Mahadeva, P.S- Laukahi, Distt.- Madhubani.
2. Lalit Kumar Yadav S/O Krishna Dev Yadav @ krishnadev Yadav @ krishna Yadav R/O Village- Mahadeva, P.S- Laukahi, Distt.- Madhubani.

... .. Petitioners

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Laukahi P.S. Case No. 52 of 2023 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016. They have got no criminal antecedent.

3. As per the prosecution story, the informant being the S.I. of Police while involved in vehicle checking, three persons riding on two motorcycles carrying bags started fleeing after leaving the motorcycle. On chase, one was apprehended who disclosed his name as Upendra Kumar Sah and he disclosed the name of escaped persons as Krishnadev Yadav @



Krishna Yadav and Lalit Kumar Yadav (the petitioners). The informant recovered altogether 126 liters of illicit liquor from the bag loaded on the motorcycles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no concern either with the allegedly recovered Nepali liquor or with the motorcycle.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged Nepali liquor was recovered from the motorcycle, the petitioners have no concern either with the liquor or with the motorcycle and that they have no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Laukahi P.S Case No. 52 of 2023 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 Special Judge Excise Act, Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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