

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46581 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- KALUAHI District- Madhubani

1. BARUN YADAV @ BARUN KUMAR YADAV Son of Late Ramashish Yadav Resident of village - Kuadh (Kuan), P.S. - Jaynagar, Distt. - Madhubani
2. Arvind Kumar Thakur Son of Vinod Thakur Resident of village - Kaparia, P.S. - Khajauli, Distt. - Madhubani
3. Pravin Kumar Singh Son of Surendra Prasad Singh Resident of village - Kaparia, P.S. - Khajauli, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Humayou Ahmad Khan,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 09.05.2023 in connection with Kaluahi P.S.Case No.91 of 2023, F.I.R. dated 08.05.2023 registered for the offence punishable under Sections 272,273,34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 62.775 liters of illicit liquor.

4. Learned counsel appearing for the petitioners submits that petitioner No.1 carries two more cases other than



the present one and petitioner Nos.2 and 3 have clean antecedent. The petitioners have falsely been implicated in the present case. Further submits that as per allegation in the FIR altogether 62.775 liters of Indian made foreign liquor has been recovered from the vehicle in question. Learned counsel for the petitioners submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the vehicle in question and the petitioners have no concern at all with the alleged recovery of illicit liquor and the petitioners are in custody since 09.05.2023.

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

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S.Case No.91 of 2023, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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