

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53240 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- SIMRI District- Buxar

1. Manoj Yadav, Son of Gopal Yadav Resident of village - Tilak Rai Ka Hata, P.S.- Simari, District - Buxar.
2. Budha Yadav @ Prabhu Yadav Son of Gopal Yadav Resident of village - Tilak Rai Ka Hata, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53369 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- SIMRI District- Buxar

Sonu Yadav Son of Ghuman Yadav R/O Village- Badaka Rajpur, P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58608 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- SIMRI District- Buxar

Kaptan Yadav @ Bikrama Yadav Son of Late Langtu Yadav @ Triloki Yadav Resident of- Dali Baba ke Dera, P.S.- Simri, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53240 of 2022)

For the Petitioner/s : Mr.Akhilesh Kumar Pandey

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 53369 of 2022)

For the Petitioner/s : Mr.Akhilesh Kumar Pandey

For the Opposite Party/s : Mr.Rana Randhir Singh

(In CRIMINAL MISCELLANEOUS No. 58608 of 2022)

For the Petitioner/s : Mr.Abbhishek Kumar



For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Simri
P. S. Case No. 133 of 2022, registered for the offences
punishable under Sections 30 (a) of the Bihar Prohibition
and Excise Act, 2018 and Sections 25 (1-b), 26 and 35 of
the Arms Act, 1959.

As per allegation, 2.160 litres of liquor was
recovered from the dicky of a motor-cycle.

Ld. counsel for the petitioners submits that the
petitioner are innocent and have falsely been implicated in
this case. They further submit that nothing has been
recovered from the conscious possession of the petitioners.
They also submit that the name of the petitioners transpires
in the confessional statement of the apprehended co-accused
person, namely, Bambhola Yadav. They further submit that
search and seizure has not been made as per the procedure
prescribed under Section 100 Cr.P.C.



They further submit that the petitioners, namely, Manoj Yadav, Budha Yadav @ Prabhu Yadav have been languishing in jail since 24.06.2022, whereas petitioners namely, Sonu Yadav and Kaptan Yadav have been languishing in jail since 04.06.2022 and 23.05.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petitions that the petitioners namely, Manoj Yadav, Budha Yadav @ Prabhu Yadav and Sonu Yadav have earlier been made accused in one case, whereas as petitioner, Kaptan Yadav has earlier been made accused in eight other cases.

It is also stated in paragraph no. 2 of the bail petitions that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds



in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Court of Special Excise, Court No. 2, Buxar in connection with Simari P. S. Case No. 133 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail



bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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