

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58757 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- NADI District- West Champaran

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1. Ashok Kumar @ Niku Yadav, male, aged about 28 years, S/o Dinanath Kumar @ Dinanath Yadav
 2. Dina Nath Kumar @ Ninanath Yadav, aged about 53 years, male, S/o Pahlad Yadav.

Both the R/o Village- Narhawa, P.S- Nadi, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Learned counsel for the petitioners seeks permission to mention the name of the father of the petitioner no.1 in bail petition in course of the day. Permission is granted.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners apprehend arrest in connection with Nadi P.S. Case No. 18 of 2023 dated 08.07.2023, instituted for the offence punishable under Section 414 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition Excise Act, 2018.

3. Allegation is of recovery of 73.140 lts. illicit liquor



from the sugarcane field of the petitioner no.2 where one person, namely, Sunil Yadav was standing with his motorcycle and after seeing the police personnel, he tried to flee. On chase, he was apprehended and disclosed the name of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. The petitioners have no concern with the seized liquor and motorcycle. The entire allegations levelled against the petitioners are false and concocted. It is further submitted that on the basis of confessional statement of the co-accused, namely, Sunil Yadav, name of the petitioners has surfaced in this case. Further, the petitioners were not arrested by the police at the spot. Nothing has been recovered from the conscious possession of the petitioners. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Nadi P.S. Case No. 18 of 2023, they shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Bagaha, West Champaran, subject to conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

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