

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61029 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- KESARIA District- East Champaran

1. RUPESH YADAV SON OF PUNYADEO RAI RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
2. UPENDRA RAI @ LALLU RAI SON OF PUNYADEO RAI RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
3. MANOKAMNA SINGH SON OF AJAY SINGH RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
4. BHARAT BHUSHAN YADAV SON OF BACHA RAI RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
5. ASHOK YADAV SON OF RAMSHARAN RAI RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
6. UMESH YADAV SON OF RAMPREET RAI RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN
7. CHIRANJEEVI SINGH @ PATARJEEVI SINGH SON OF HARENDRA SINGH RESIDENT OF VILLAGE - KADAN, P.S. - KESARIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioners and learned APP
for the State.

2. Petitioners apprehend their arrest in connection with a
case registered for the offence punishable u/s 272, 273 of the
IPC and 30(a) of the Bihar Prohibition and Excise Act-2016.

3. Altogether 77.760 litres of foreign liquor is said to have



been recovered from the sugarcane field of one Motilal Rai.

4. Learned counsel for the petitioner submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the disclosure of their name by local Chaukidar and villagers. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor or the place of recovery. Petitioners have one criminal antecedent of similar nature of offence, as also mentioned in para-3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs.5,000/- (Rupees Five Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 Kesariya P.S. Case No.280 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid undertaken amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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