

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62895 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- BASOPATTI District- Madhubani

Ram Sukh Yadav @ Subhash Kumar Yadav, Son Of Ramnarayan Yadav,
Village- Kataiya, Kadwahi, Ps- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Manoj Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Shahabuddin
Azeem, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Basopatti P.S. Case No. 119 of 2023, registered for the
offences punishable under Sections 272, 273/34 of the Indian
Penal Code and Sections 30 (a) and 45 of the Bihar Prohibition
and Excise Act.

3. The police on receipt of secret information
conducted raid, however, noticing the police party, some of the
accused persons succeeded in fleeing away. The apprehended
person disclosed the name of the petitioner and other, as his
associates. It is further alleged that three motorcycles were also
recovered from the orchard, where all together 135 litres of



illicit liquor was also recovered.

4. Learned counsel appearing on behalf of the petitioner submits that admittedly the alleged recovery has been made from an orchard but, only in order to implicate the name of the petitioner, who bears two criminal antecedents, his name has been implicated showing the recovery from the motorcycle of the petitioner and the other accused person. He further submits that save and except the disclosure made by the apprehended person, there is no cogent materials showing the involvement of the petitioner but, as the motorcycle of the petitioner was parked beside the orchard, his name has been implicated in this case. The petitioner has neither any concern with the orchard nor the alleged recovered illicit liquor. He lastly submits that earlier also the name of the petitioner has been implicated in identical crime and only on the basis of the past antecedent, his name has again been implicated in this case.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is carrying two criminal antecedents over his head and the recovery of his motorcycle alongwith the illicit liquor shows his active participation.

7. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged recovery has been made from an orchard and the seizure list witnesses are none else, but the police personnel, apart from other infirmities, in the search and seizure, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 119 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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