

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61683 of 2023**

Arising Out of PS. Case No.-115 Year-2023 Thana- ARER District- Madhubani

1. Pappu Yadav Son Of Kari Yadav @ Ram Vinod Yadav Resident Of Village - Salempur, P.S. - Bisfi, District - Madhubani
2. Ram Kumar Yadav Son Of Late Mushafir Yadav Resident Of Village - Balat, P.S. - Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-09-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. Petitioners seek bail, who are in custody since 27.07.2023, in connection with Arer P.S. Case No. 115 of 2023, F.I.R. dated 27.07.2023 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 69 litres of illicit liquor.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present. He further submits that nothing has been recovered from the conscious possession of the petitioners



rather recovery has been made from the motorcycle in question. He further submits that the petitioners were not arrested at the place of occurrence/recovery and they are arrested from the village. He further submits that there is non complinace of Section 100 of the Cr. P.C. and the motorcycle in question does not belong to the petitioners and the petitioners have no concern at all with the alleged recovery of illicit liquor and the petitioners are in custody since 27.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioners and the petitioners having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2<sup>nd</sup> cum Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 115 of 2023, corresponding to G.R. No. 1157 of 2023, subject to the following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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