

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63224 of 2022

Arising Out of PS. Case No.-360 Year-2020 Thana- ATRI District- Gaya

1. Vinay Yadav @ Vinay Kumar, S/o Kamlesh Yadav R/v- Chahal Mundera, P.S.- Atri, District- Gaya
2. Shyam Sundar Yadav @ Shyam Sundar Kumar, S/o Ramaand Yadav R/v- Chahal Mundera, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Atri P.S. Case No.360 of 2020 instituted for the offence punishable under Section 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 272, 273 of the Indian Penal Code.

There is alleged recovery of 5 litres manufactured *Mahua* liquor and nearly 1200 litres of material for manufacturing *Mahua* liquor near a *Banyan* tree.



Learned counsel for the petitioners submits that recovery is from an open place. The petitioners have been made accused because of their antecedents of similar nature, as per details in paragraph 3 of the bail petition. They were not arrested at the time and place of recovery. There is no recovery of any illicit liquor from them. They are in custody since 06.06.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Gaya, in connection with Atri P.S. Case No.360 of 2020, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related



with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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