

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72277 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Mohan Yadav Son of Thakan Yadav R/v- Bikaram Rahi, P.S.- Ghoghardiha,
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72685 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Mahesh Kumar Yadav Son of Mohan Yadav Resident of Village- Bikaram
Rahi, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72277 of 2022)

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 72685 of 2022)

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

2 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Ghoghardiha P.S. Case No.127 of 2022 arising out of G.R.
No.847 of 2022, registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 144 liters of liquor has been
recovered from a shop.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that nothing has been
recovered from the conscious possession of the petitioners.
He also submits that search and seizure has not been made
as per the procedure as prescribed under Section 100 Cr.
P.C. He further submits that the petitioners have no concern
with the alleged recovered liquor.

He further submits that the petitioners have been
languishing in jail since 29.09.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner, Mohan Yadav has no criminal antecedent whereas the petitioner, Mahesh Kumar Yadav has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise, Jhanjharpur in connection with Ghoghardiha P.S. Case No.127 of 2022 arising out of G.R. No.847 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of



similar nature after enlargement on bail, their bail bonds will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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