

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64467 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MADHEPUR District- Madhubani

1. Manish Kumar @ Manish Kumar Yadav, Male, aged about 21 years, Son of Satyanarayan Yadav R/v- Tetari, P.S.- Jamalpur, District- Darbhanga
2. Raman Kumar Yadav @ Raman Kumar, Male, aged about 22 years, Son of Mahadev Yadav R/v- Tetari, P.S.- Jamalpur, District- Darbhanga
3. Dev Sharma, Male, Son of Jitan Sharma Choupal @ Jitan Choupal R/v- Nawada, P.S.- Madhepur, District- Madhubani
4. Kaushal Yadav, Male, aged about 45 years, Son of Gangai Yadav R/v- Nawada, P.S.- Madhepur, District- Madhubani
5. Rajiv Yadav @ Rajiv Kumar Yadav, Male, aged about 21 years, Son of Dinesh Prasad Yadav R/v- Tengraha, P.S.- Bheja, District- Madhubani
6. Md. Jasim, Male, aged about 22 years, Son of Md. Jannat R/v- Bhimpur, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with G.R. No. 665/2022 arising out of Madhepur P.S. Case No. 150/2022 registered for the offence punishable under Section 272, 273, 414, 120(B) of the Indian Penal Code (for brevity 'IPC') and 30(a), 47 of Bihar Prohibition and Excise Act.

Near the cemetery, there is alleged recovery of 177 litres (one hundred and seventy seven litres) of illicit liquor. It is alleged that persons have started fleeing away, where two have been



apprehended.

Learned counsel for the petitioner submits that petitioners' implication is on statement of the apprehended persons. Even as per the case, petitioners was not present at the time and place of recovery. There is no alleged recovery of any incriminating material from the petitioners. Other than statement of co-accused in police custody, there is no material to connect the petitioners with the alleged recovery. Petitioner No. 4 has one criminal antecedent in connection with Madhepur P.S. Case No. 152/22 u/S 272, 273 of the IPC and 30(a) of Excise Act.

Petitioner Nos. 1, 2, 3, 5 & 6 are in custody since 07.08.2022, whereas, Petitioner No. 4 is in custody since 22.08.2022.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody 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 bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, in connection with G.R. No. 665/2022 arising out of Madhepur P.S. Case No. 150 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

rajkishore/-

U		T	
---	--	---	--

