

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78780 of 2023**

Arising Out of PS. Case No.-92 Year-2023 Thana- ANDHRATHARHI District- Madhubani

1. Dev Kumar Yadav @ Debu Yadav Son Of Bishundev Yadav Vill-Bithouni  
Ps-Andhrathadi Dist-Madhubani
2. Nitish Ray @ Nitish Kumar Son Of Chedi Ray Vill-Chapahi Ps-Andhrathadi  
Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      11-12-2023      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 272 and 273 of the I.P.C and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 1864.620 liters of foreign liquor have been recovered from in front of the house of the petitioners. Petitioners have no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioners is not specific rather



general and omnibus in nature. Petitioners are quite innocent and have been falsely implicated in this case at the instance of their grudge. Petitioners were not apprehended on the spot. Petitioners no.1, Debu Kumar Yadav @ Debu Yadav has three criminal antecedents and petitioners no. 2, Nitish Ray @ Nitish Kumar has one criminal antecedents as mentioned in para-3 of this application.

4. Learned APP for the State opposed the prayer for bail of the petitioners.

5. Petitioner no.1, Debu Kumar Yadav @ Debu Yadav is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) and petitioner no. 2, Nitish Ray @ Nitish Kumar is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending/successor Court in connection with Andhrathadi P.S. Case No. 92 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipts of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

**(Anjani Kumar Sharan, J)**

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