

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71094 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- KALUAHI District- Madhubani

1. Saroj Kumar Yadav, Son of Dhyani Yadav,
2. Hirendra Kumar Yadav, S/O Surya Narayan Yadav

Both are Residents of Village-Bela Kachori Tol, P.S- Jaynagar, Distt-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Kaluahi P.S. Case No. 177 of 2023, registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during checking of vehicles, two vehicles were intercepted and its occupants were apprehended on suspicion. From the vehicle of the petitioners, recovery of total 96.945 liters of India made foreign liquor has been made. Further, recovery of total 990 liters of country made



Nepali liquor has been made from the vehicle of co-accused Shrawan Kumar Sahani. The petitioner Saroj Kumar Yadav claimed himself to be owner as well as driver of the seized Hyundai car.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the vehicles which were seized nor with the illicit liquor recovered from these vehicles. So nothing has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 27.08.2023 and are having clean antecedents.

5. The learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioners along with their clean antecedents, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in connection with Kaluahi P.S. Case No. 177 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of



Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioners, the learned trial court is directed to verify the ownership of the seized vehicles and if it is found that the petitioners are owners of the seized vehicles, then their bail bonds will not be accepted.

V.K.Pandey/-

(Arun Kumar Jha, J)

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