

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71284 of 2022

Arising Out of PS. Case No.-275 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Bhullu Yadav @ Bulla Kumar Yadav @ Bhulu Kr. Yadav Son of Moti Yadav
R/o Village - Bikrampur, P.S.- Cheriabariyarpur, Dist.- Begusarai
 2. Ravish Kumar Son of Ramnarayan Singh R/o Village - Bikrampur, P.S.-
Cheriabariyarpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. APP

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
Cheriabariyarpur P. S. Case No. 275 of 2022, registered
for the offences punishable under Section 120(b) of the
Indian Penal Code and Sections 30(a)(b), 32(iii) and 41 of
the Bihar Prohibition and Excise Act, 2016.



As per allegation, 3490.92 litres of liquor was recovered from a truck bearing Registration No. BR 01GA 7852.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the truck from which the liquor has been recovered does not belong to the petitioners. He further submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioners have been languishing in jail since 14.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 2 is a man of clean antecedents whereas petitioner no. 1 has earlier been made accused in five other cases, but in all these cases he is on bail.

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.

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. Exclusive Special Excise Judge-I, Begusarai, in connection with Cheriabariyarpur P. S. Case No. 275 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)

skm/-

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