

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79265 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- ANDHRAMATH District- Madhubani

1. ARJUN KUMAR SON OF RAMESH KUMAR YADAV RESIDENT OF VILLAGE- MAJHAURA PS- NADI DISTRICT- SUPAUL
2. AKHILESH KUMAR YADAV @ AKHLESH KUMAR SON OF JITENDRA YADAV @ JITENDRA YADAV RESIDENT OF VILLAGE- MAJHAURA PS- NADI DISTRICT- SUPAUL
3. HEMKANT KUMAR @ HEMKANT KUMAR YADAV SON OF JIVACHH YADAV RESIDENT OF VILLAGE- MAJHAURA PS- NADI DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with G.R.
No. 671/2023 arising out of Andhramath P.S. Case No.
140/2023 registered for the offences punishable under Sections
272, 273, 414,34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, 342 litre Nepali Liquor
was recovered from Maruti Wagon R Vehicle in question.
Petitioner no. 1(Arjun Kumar) and Petitioner no. 2(Akhilesh
Kumar) apprehended on spot. It is further alleged that petitioner



no. 3 (Hemant Kumar) was later apprehended near police station.

Learned counsel for the petitioners submits that petitioners are innocent and has committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners are neither the owner nor driver of the vehicle in question. The petitioners have been apprehended merely on suspicion. Except suspicion there is nothing on record to connect the present petitioners with the alleged recovery. Petitioners are in custody since 11.09.2023. It is further submitted that seizure list has not been made as per law. Petitioners are not concerned with the alleged occurrence. Petitioner no. 1 and 3 bear no criminal antecedent where as petitioner no. 2 bears criminal history of two cases in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand),



each, with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur in connection with G.R. No. 671/2023 arising out of Andhramath P.S. Case No. 140/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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