

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71033 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- MADHWAPUR District- Madhubani

Ramesh Yadav, S/o Jeebachh Yadav @ Jibachh Yadav @ Bambam Yadav R/v-
Balwa, P.S.- Madhawapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 662 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Ramprabodh Yadav, Son of Jeebachh Yadav @ Jibachh Yadav @ Bambam Yadav Resident of Village- Balwa, P.S.- Madhawapur, District- Madhubani
2. Santosh Yadav, Son of Jeebachh Yadav @ Jibachh Yadav @ Bambam Yadav Resident of Village- Balwa, P.S.- Madhawapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71033 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 662 of 2023)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Tapeswar Sharma

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

Madhawapur P. S. Case No. 74 of 2022 (G.R. No. 889 of

2022), registered for the offences punishable under Sections



272, 273, 414 and 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 1440 litres of Nepali country-made liquor was recovered from a pick-up van.

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 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 petitioner, namely, Ramesh Yadav has been languishing in jail since 24.11.2022 and petitioners, namely, Ramprabodh Yadav and Santosh Yadav have been languishing in jail since 06.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Ramesh Yadav has earlier been made accused in two other cases and in one case, he is on bail and the petitioners, namely, Ramprabodh Yadav and Santosh Yadav have earlier been made accused in



two other cases and in both these cases, they are on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioners, namely, Ramesh Yadav, Ramprabodh Yadav and Santosh Yadav have earlier moved this Court *vide* Cr. Misc. No. 52351 of 2022, Cr. Misc. No. 52676 of 2022 and Cr. Misc. No. 52400 of 2022, respectively.

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. 2nd Additional Sessions Judge cum Special Judge, Excise Act, Madhubani, in connection with Madhawapur P. S. Case No. 74 of 2022 (G.R. No. 889 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 repeats 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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