

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6740 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- LADANIA District- Madhubani

Dipendra Kumar Yadav S/o Ram Gulam Yadav R/o Vill - Kamalpur, P.S. - Aurhi, Dist. - Sirha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6844 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- LADANIA District- Madhubani

HARERAM YADAV Son of Ram Balak Yadav Resident of Village- Kamalpur, P.S.-Aurhi, District-Sirha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 6740 of 2024)
For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Parmanand Kumar
(In CRIMINAL MISCELLANEOUS No. 6844 of 2024)
For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with
Ladaniya P.S. Case No. 317 of 2023 registered for the offences
punishable under Sections 272, 273, 414/34 of the IPC and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.



3. As per prosecution case, there was alleged recovery of 90 litre Nepali liquor from motorcycle in question and 519 litre Nepali liquor from Mahindra Xylo vehicle in question. Petitioners were found sitting in the said Mahindra Xylo vehicle and they were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. He further submits that petitioners are neither owner nor driver of Mahindra Xylo vehicle in question and they have been apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. Petitioners are in custody since 06.12.2023 and bear no criminal antecedent. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners have nothing to do with the alleged recovery of liquor. Petitioners have no concern with the motorcycle in question.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, 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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 317 of 2023, subject to 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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