

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19369 of 2024**

Arising Out of PS. Case No.-1 Year-2024 Thana- KHIRHAR District- Madhubani

1. Mohan Yadav Son of Dhaneshwar Yadav Resident of Village- Borhar, P.S.- Kirhar, District- Madhubani
2. Nitu Yadav Son of Raju Yadav Resident of Village- Manpoor, P.S.- Benipatti, Dist.- Madhubani
3. Raju Yadav Son of Ghuran Yadav Resident of Manpoor, P.S.- Benipatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ratnakar Jha  
For the Opposite Party/s : Mr. Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      02-04-2024      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s, 272 and 273 of the Indian Penal Code and 30 (a) of Bihar Prohibition and Excise Act.

3. Altogether 225 liters of Nepali liquor is said to have been recovered from three motorcycles.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious



physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) **each** in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Khirhar P.S. Case No.01 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

- (i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Mahavir Cancer Sansthan.

**(Anjani Kumar Sharan, J)**

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