

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35436 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- BARHARIA District- Siwan

Mukesh Yadav @ Mukesh Kumar Yadav, Son Of Late Ranglal Yadav,
Resident Of Village- Siyadikarn, P.S.- Barhariya, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35462 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- BARHARIA District- Siwan

Chandan Yadav, Son Of Om Prakash Yadav, Resident Of Village- Siyadikarn,
P.S.- Barhariya, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35436 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

(In CRIMINAL MISCELLANEOUS No. 35462 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Since both the petitions arise out of Barhariya P.S.

Case No. 51 of 2024, as such, they have been taken up together

and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. In the present case, the petitioners are apprehending
their arrest in connection with Barhariya P.S. Case No. 51 of



2024, registered on 10.02.2024 for the offences under Section 30(a) of the Bihar Prohibition Excise Act 2016.

4. As per prosecution case, police received secret information about the petitioners and co-accused smuggling illicit liquor on their vehicles. A vehicle checking was started and a Hyundai Santro car and Passion Pro motorcycle were intercepted by the police though the persons riding the vehicles fled away from the spot. Recovery of 432 litre of country made liquor was made from the car whereas from the motorcycle, 45 litre of country made liquor was recovered.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners have been named in this case merely on suspicion as their names were taken by the informer of the police. Nothing incriminating has been recovered from person or possession of the petitioners as the vehicles from which recoveries have been made did not belong to the petitioners. Seizure list has not been prepared following the provisions of Section 100 of the Code of Criminal Procedure. There is no legal or reliable material available against the petitioners. Petitioner Mukesh Yadav has got no criminal antecedent whereas petitioner Chandan Yadav is having criminal antecedent



of three cases

6. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that recovery of large quantity of illicit country made liquor has been made from the vehicles from which the petitioners fled away. Learned APP further submits that petitioner Chandan Yadav has got criminal antecedent of three cases of similar nature.

7. Having regard to the criminal antecedent of the petitioner **Chandan Yadav**, I am not inclined to enlarge the petitioner **Chandan Yadav** on anticipatory bail.

8. Accordingly, the prayer for anticipatory bail of the petitioner **Chandan Yadav** is rejected.

9. However, considering the facts and circumstances and submissions made on behalf of the parties and further considering the lack of substantive material against petitioner **Mukesh Yadav** and also considering the clean antecedent of petitioner **Mukesh Yadav** coupled with possibility of false implication, let the petitioner **Mukesh Yadav**, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court



No. I, Siwan/court concerned in connection with Barhariya P.S.
Case No. 51 of 2024, subject to the condition as laid down
under Section 438(2) of the Code of Criminal Procedure and
other following conditions:

- (i) One of the bailors will be a close relative
of the petitioner **Mukesh Yadav**.
- (ii) The petitioner **Mukesh Yadav** will
remain present on each and every date fixed
by the court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

