

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37027 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- BAIRIYA District- West Champaran

1. Umesh Yadav, Son Of Late Bikram Yadav Resident Of Village- Bhagwanpur, P.S. -srinagar, District- West Champaran. Presently Residing At Village- Balua Rampurwa, Telia Tola, P.S.- Bairiya, Distt- West Champaran
2. Dinesh Yadav, Son Of Late Bikram Yadav Resident Of Village- Bhagwanpur, P.S. -srinagar, District- West Champaran. Presently Residing At Village- Balua Rampurwa, Telia Tola, P.S.- Bairiya, Distt- West Champaran
3. Wakil Yadav, Son Of Late Thag Yadav Resident Of Village- Ranha Suryapur, P.S.- Srinagar, Distt- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-06-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the I.P.C. and Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.3 is a person with clean antecedent and petitioner nos.1 and 2 have antecedent of one case and allegation is of recovery of 158.5 litres of liquor from vehicles



as detailed in the F.I.R.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owners of the seized vehicles and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value.

5. Learned A.P.P. Sri Rabindra Kumar opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Bairiya P. S. Case No.123 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the



criminal antecedent of the petitioners and in the event, if it is found that petitioner no.3 has antecedent of even one case and petitioner nos.1 and 2 have antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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