

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38258 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- NAWANAGAR District- Buxar

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1. Lalan Yadav S/O Ramashray Yadav Resident Of Village Giridhar Baraon, P.S.- Nawangar, District Buxar, Bihar
 2. Manoj Yadav S/O Lalan Yadav Resident Of Village Giridhar Baraon, P.S.- Nawangar, District Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Nawanagar P.S. Case No. 107 of 2024 instituted for the offences under Sections 30(a), 30(c), 30(d), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 500 liters spirit was recovered near the house of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners and they have no



concern with the alleged recovery of spirit. The recovery was made from the village lane, which is an fodder house of petitioner no. 2. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 13.05.2024 passed in Cr. Misc. No. 36375 of 2024. The petitioners are in custody since 04.04.2024 and have no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawanagar P.S. Case No. 107 of 2024, Subject to following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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