

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50256 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KOTWA District- East Champaran

1. Shailendra Yadav @ Shailendra Kumar Son of Chhabila Yadav Resident of Vill- Kadhan Bairiya, P.S.- Kesariya, District- East Champaran.
2. Upendra Yadav @ Upendra Prasad Yadav Son of Langtu Rai Resident of Vill- Kadhan Bairiya, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in Kotwa (Bhopatpur) P.S. Case No. 33 of 2024, instituted for the offences punishable under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 872.064 liters liquor was recovered from the house of co-accused Anjani Kumar Giri.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the petitioners were not present at the place of occurrence. Name of the petitioners have transpired on the basis of confessional statement of co-accused Anjani Kumar Giri and the same has no evidentiary value. The petitioners have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 32967 of 2024. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa (Bhopatpur)



P.S. Case No. 33 of 2024, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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