

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72461 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Hridaya Yadav S/o- Late Rang Lal Yadav Village- Barki Nainijor Leela Dera Ps- Nainijor Dist- Buxar
 2. Mukhram Yadav Son of Late Raja Ram Yadav Village- Barki Nainijor Leela Dera Ps- Nainijor Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2024 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 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Altogether 186 litres of illicit liquor has been recovered from the field of *Jinora* situated near the tree of Shisham. The local *chowkidar* disclosed that in the said field, *Jinora* has been planted by the petitioners and co-accused Surendra Yadav.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners or from their



house. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is totally false and based on concocted facts. They were not apprehended on the spot. They are not landlord of the said field. Their names have been transpired in the present case due to high handedness of police on the instigation of their enemies and local *Chowkidar*. Learned counsel further submits that petitioners have one criminal antecedent, not of similar nature of offence that of the present case.

5. Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) **each** in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

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 Brahmpur P.S. Case No. 345 of 2024, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C,
subject to the further conditions that

(1) 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.

(2) That 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 after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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 the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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