

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78074 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- NADI District- Supaul

1. Mahanand Yadav Son Of Bhupendra Yadav Resident Of Village - Kiyottapatti, P.S.- Supaul Reverine@ Supaul Nadi, District - Supaul.
2. Bhupendra Yadav Son Of Ramcharitar Yadav Resident Of Village - Kiyottapatti, P.S.- Supaul Reverine@ Supaul Nadi, District - Supaul.
3. Satish Yadav @ Disel Son Of Suryanarayan Yadav Resident Of Village - Kiyottapatti, P.S.- Supaul Reverine@ Supaul Nadi, District - Supaul.
4. Om Prakash Kamat Son Of Shibu Kamat Resident Of Village - Kiyottapatti, P.S.- Supaul Reverine@ Supaul Nadi, District - Supaul.
5. Surendra Yadav @ Sunil Kumar Yadav Son Of Buchai Yadav Resident Of Village - Kiyottapatti, P.S.- Supaul Reverine@ Supaul Nadi, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Supaul Nadi P.S. Case No. 35 of 2023 dated 19.04.2023 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.



4. As per the prosecution case, total 252 litres of illicit liquor was recovered from a Bolero vehicle.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner no. 1 and 2 are accused in five other criminal cases, the petitioner no. 3 is accused in two other criminal cases, the petitioner no. 4 is accused in one more criminal case and the petitioner no. 5 is accused in three other criminal cases as stated in para 3 of the bail petition. The other co-accused person has already been granted anticipatory bail by the Co-ordinate Bench *vide* order dated 28.07.2023 passed in Cr. Misc. No. 48467 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Supaul Nadi P.S. Case No. 35 of 2023, subject to conditions as laid down under



Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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