

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83488 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. Viru Yadav @ Jamuna Yadav Son Of Babu Lal Yadav Resident Of Village - Durg Matihiniya, P.S. - Vishambharpur, District - Gopalganj
2. Rajan Yadav @ Rajan Kr. Son Of Late Panchanand Yadav Resident Of Village - Sipaya Khas, P.S. - Vishambharpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 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 414 of the I.P.C. and u/s 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. 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 petitioner rather 108 liters of country made liquor is said to have been recovered from a motorcycle. One person was apprehended on the spot who



disclosed that the said illicit liquor belong to the petitioners. Petitioners have no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case because he tried to flee away from the place of occurrence. Petitioner no.1 has one criminal antecedent of similar nature and petitioner no. 2 has no criminal antecedent as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. Petitioner no. 1 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) and petitioner no.2 is agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) 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 Vishambharpur P.S. Case No. 188 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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