

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3033 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- PIPRASI District- West Champaran

1. Bablu Yadav, (Male) aged about 28 years, s/o Nagina Yadav,
2. Chhotey Yadav @ Chhotelal Yadav, (Male), aged about 26 years, s/o Vidyarthi Yadav,
3. Raju Yadav, (Male), aged about 26 years, s/o Nagina Yadav.
All resident of village- Shashtrinagar, PS- Bagaha, Dist-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Piprasi PS Case No.53 of 2023 dated 19.10.2023, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The prosecution case, in brief, is that the informant,
who is a Sub Inspector of Police, got secret information that
some people are bringing illicit liquor from Uttar Pradesh. He
reached the place of occurrence and started checking of the
vehicles. The informant noticed that 5-6 persons while carrying
white sacks on their head were running through the field of
Bhilorawa Tola. The police personnel chased and caught one of



them while the others managed to flee away. The police recovered illicit liquor from the sacks. It is alleged that from the sacks thrown by petitioner nos.1, 2 and 3, 10 litres 100 ml., 12 litres and 43 litres 200 ml. respectively illicit liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Petitioners have been implicated in this case only on the basis of confessional statement on Krishna Kumar, who was caught at the spot. It is further submitted that five separate seizure lists were prepared for different accused persons. Further submission is that petitioners were not arrested at the spot. Nothing incriminating article has been recovered from the conscious possession of the petitioners. Lastly, it is submitted that the petitioner no. 1 has no criminal antecedents, whereas, petitioner nos. 2 and 3 have one criminal case against each of them.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bagaha, West Champaran, in Piprasi PS Case No.53 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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