

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68866 of 2018

Arising Out of PS. Case No.-255 Year-2018 Thana- KASBA District- Purnia

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1. Shashikant Yadav, Son of Late Bhupendra Yadav,
 2. Ajay Kumar @ Ajay Kumar Yadav, Both resident of Village-
Panaila Bari, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-12-2018 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Special Case No. 841 of 2018 arising out of Kasba P.S. Case No. 255 of 2018 registered for the offences punishable under Sections 30A, 38(i), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 639 liters foreign liquor from the house of the petitioners.

It has been submitted on behalf of the petitioners that they are innocent and has committed no offence. They have falsely been implicated in this case due to local village politics. It is a joint family house and petitioners who are



father and son have been falsely implicated in this case. They have no criminal antecedent and even seizure list there is no signature of either of the petitioner or even any family member of the petitioner. They are in custody since 18.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above 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 learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Purnea in connection with Special Case No. 841 of 2018 subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If petitioner is found involved in case of similar nature after released on bail, the concerned court shall take steps to cancel his bail.

(S. Kumar, J)

Rajiv/Manoj-

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