

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8781 of 2019

Arising Out of PS. Case No.-409 Year-2018 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. SANTOSH YADAV, aged 30 years, Male, S/o Sri Ram Naresh Yadav
2. Balbir Kumar @ Mukesh Kumar, aged 23 years, Male, S/o Sri Ram Chandra
Das, both are resident of village-Bibhutipur, P.S. Bibhutipur, district
Samastipur ... Petitioners

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar No1, Adv.
For the Opposite Party : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-02-2019 Heard the learned counsel for the petitioners and the

learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 12.12.2018 in connection with Case No. C-1-409 of 2018 arising out of Prosecution Report No. 53 of 2018 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the excise officials is that on secret information the Bolero vehicle of the petitioner no. 1 was intercepted and the petitioner no. 2 was found sitting in the vehicle. On search 88.800 liters of Indian made foreign liquor was recovered from the vehicle. Accordingly, a seizure memo was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent and petitioner no. 2 does not bear any criminal antecedent. It has, further, been submitted that nothing has been recovered from the conscious possession of the petitioners. It is, further, submitted that the petitioners undertake not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that petitioner no. 1 does not have clean antecedent and three more cases, although for different offence, are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner no. 2, Balbir Kumar @ Mukesh Kumar, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Case No. C-1-409 of 2018 arising out of Prosecution Report No. 53 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Purnia, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

So far as petitioner no. 1, Santosh Yadav, is



concerned, he be released on bail on furnishing bail, **on completion of six months in custody**, bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Case No. C-1-409 of 2018 arising out of Prosecution Report No. 53 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Purnia, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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