

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78896 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- MALI District- Aurangabad

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1. Sheoraj Yadav and Ors S/o Late Janeshwar Yadav R/vill-Kharwardih, P.S-
Chattarpur, Distt.-PalamuJharkhand
 2. Kumar Saurav @ Baldeo Yadav S/o Suresh Yadav R/vill-Lalgaadha, P.S-
Nawdiha Bazar, Distt.-PalamuJharkhand
 3. Kameshwar Paswan S/o Late Bhikhan Paswan R/vill-Pahari, P.S-Chattarpur,
Distt.-Palamu Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 22-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Mali P.S. Case No. 69 of 2018**
registered for the offence punishable under Section 30(a)/38 of
the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 400 liters country made
liquor from a vehicle in which petitioners were sitting.

It has been submitted on behalf of the petitioners that
they are innocent and have been falsely implicated in this case.
Nothing has been recovered from the possession of the
petitioners. They are not the owner of the said vehicle. They
have only boarded the jeep with an intention to reach
Aurangabad quickly and have no concern with the alleged



recovery. Petitioner Nos. 2 and 3 have got no criminal antecedent and are in custody since 21.11.2018.

Considering the aforesaid facts and circumstances of the case, let the **petitioner Nos. 2 and 3** named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad** in connection with **Mali P.S. Case No. 69 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4). If the petitioners are found involved in similar nature of offence, after their release on bail, the trial court shall take steps to cancel their bail bonds.

As far as **petitioner No.1** is concerned, he is accused in similar nature of offence, as such I am not inclined to enlarge the petitioner no. 1 on bail at this stage. Hence, the prayer for bail of petitioner No.1 is hereby rejected.

However, it is observed that **petitioner No.1** be released on bail after completing six months of jail custody, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional**



**Sessions Judge-VII-cum-Special Judge (Excise),
Aurangabad in connection with Mali P.S. Case No. 69 of
2018, with following 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 properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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