

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26166 of 2019**

Arising Out of PS. Case No.-99 Year-2019 Thana- VAISHALI District- Vaishali

1. RAM UDAY PRAKASH, aged about 23 years, Male, Son of Mahesh Sah  
Resident of Village - Reva Basantpur, P.S.- Saraiya, Distt.- Muzaffarpur.
2. Mohammad Maqsood, aged about 25 years, Male, Son of Mohammad  
Serauddin Resident of Village - Reva Basantpur, P.S.- Saraiya, Distt.-  
Muzaffarpur.
3. Santosh Kumar Yadav, aged about 21 years, Male, Son of Gagandev Yadav  
Resident of Village - Reva Basantpur, P.S.- Saraiya, Distt.- Muzaffarpur.

... Petitioners

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioners : Mr. Mukesh Kumar, Adv.

For the Opposite Party : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2 09-05-2019

Heard the learned counsel for the petitioners and the  
learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since  
17.03.2019 in connection with Vaishali (Belsar O.P.) P.S. Case  
No. 99 of 2019 for the offences alleged under Sections 30(a),  
32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police  
personnel, is that on secret information that huge quantity of illicit  
liquor is being unloaded, the police reached the place and found  
near the brick kiln of Pintu Singh 10-12 four wheelers, some  
motorcycles and a pick-up-van and truck and 15-20 persons were



engaged in unloading cartons from the vehicle. On seeing the police other co-accused managed to flee away, but, the petitioners were apprehended who confessed before the police the names of other persons who were involved in the illicit liquor trade. They were only liners and were engaged in unloading the cartons and did not know that it concealed illicit liquor. Accordingly, huge quantity of 3016 liters of illicit liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioners and they are languishing judicial custody since nearly two months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record as well as the fact that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with



Vaishali (Belsar O.P.) P.S. Case No. 99 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Vaishali at Hajipur, or the successor Court, subject to the following conditions :

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

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

**(Nilu Agrawal, J)**

Shamshad/-

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