

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19576 of 2020**

Arising out of PS. Case No.-164 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

-
1. Upendra Yadav, aged about 25 years, Gender-Male, Son of Kanhai Yadav, Resident of Village-Raghwachak, Police Station-Fatehpur, District-Gaya.
 2. Manish Kumar, aged about 20 years, Gender-Male, Son of Girdhari Yadav, Resident of Village-Kewla Tola Jharna, Police Station-Mohanpur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 07-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Syed Asgher Najmi, learned counsel for the petitioners and Mr. Md. Nazir Ansari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners are in custody in connection with Fatehpur PS Excise Case No. 164 of 2020 dated 15.03.2020, instituted under Sections 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2016.



4. The allegation against the petitioners is that from the Manza car on which they were travelling, 63 litres of liquor was recovered.

5. Learned counsel for the petitioners submitted that they have been falsely implicated as neither the car nor the seized liquor belongs to them. It was submitted that the petitioners having no criminal antecedent, are in custody since 16.03.2020.

6. Learned APP submitted that from the car in which the petitioners were travelling, 63 litres of liquor has been recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/-(twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Gaya in Fatehpur PS Excise Case No. 164 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to



cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforesaid terms.

(Ahsanuddin Amanullah, J)

Vikash/-

AFR/NAFR	
U	
T	

