

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18668 of 2021

Arising Out of PS. Case No.-263 Year-2020 Thana- LAUKAHA District- Madhubani

1. Shyam Sundar Yadav aged about 20 years, S/O Late Mahavir Yadav R/O Village- Abhay Nagar, P.S-Lahan, District- Sirha (Nepal)
2. Md. Imran, aged about 21 years S/O Md. Wasir R/O Village-Ghor Mohana, P.S-Lal Maniya, District-Madhubani.
3. Samim Ansari, aged about 21 years, S/O Md. Mofil Ansari @ Md. Mofil R/O Village- Ghormohana, P.S-Lalamaniya, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash
For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners seek bail in Laukaha PS Case No. 263 of 2020 instituted for the offence under Sections 272 and 273/34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

On recovery of 415 litres illicit liquor from a transport



vehicle, the petitioners have been apprehended.

Petitioners' counsel submits that the driver, as per the prosecution case, has fled away. The petitioners, who have taken a ride on the said vehicle and who were having no criminal antecedents whatsoever have become a victim of the circumstances. They had no knowledge regarding the illicit liquor being loaded on the vehicle in-question. They have remained in custody since 05.09.2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani, in connection with Laukaha PS Case No. 263 of 2020, GR No. 1092 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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