

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25665 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- RAJAOLI District- Nawada

1. Lallo Yadav aged about 30 years, S/o Kuldeep Yadav @ Kuldeep Prasad Yadav R/o village- Bajwatari, P.S.- Rajauli, District- Nawada (Bihar)
2. Santu Yadav aged about 28 years, S/o Dwarika Yadav R/o village- Bajwatari, P.S.- Rajauli, District- Nawada (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners who are in custody since 4.11.2020 in connection with Rajauli P.S. Case No. 392/2020 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that he has already filed a supplementary affidavit, substantiating the statement made in para-3 of this application, bringing on record the order of bail granted to the petitioners in Rajauli P.S. Case No. 488 of 2020 under Excise Act, 2018 by the learned court below.



The prosecution case is that when a special team reached the village Bajbatri and upon raid, 100 liters of country made Mahua was recovered. However, 5-6 persons ran away and no one was apprehended on the spot.

Learned counsel appearing on behalf of the petitioners submits that the name of the petitioners was disclosed by the Choukidar of the village only on the ground that they were made accused in another excise matter as stated in para-3 of this application. He has further submitted that nothing was recovered from the conscious possession of the petitioners and they are also in custody since 4.11.2020 and as such the petitioners be released on bail.

The learned counsel appearing on behalf of the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case that nothing has been recovered from the conscious possession of the petitioners, the court below is directed to verify the criminal antecedents of the petitioners and upon being satisfied, the petitioners, named above, be released on bail on furnishing personal bond of Rs. 1,00,000/- (One lakh) each alongwith two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum



Special Judge, Nawada, in connection with Rajauli P.S. Case
No. 392 of 2020 subject to the following condition:-

(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.

(Purnendu Singh, J)

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