

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37858 of 2021**

Arising Out of PS. Case No.-122 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhubani

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1. Nitesh Kumar Yadav Son of Narayan Yadav Resident of Village- Birpur, P.S. - Laukaha (O.P. Lalmaniya), Dist. - Madhubani.
  2. Manoj Kumar Yadav Son of Jang Bahadur Yadav Resident of Village- Bishunpur, P.S. - Laukaha (O.P. Lalmaniya), Dist. - Madhubani.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate  
For the Opposite Party/s : Mr. AP Singh, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

- 2      23-09-2021      Heard learned counsel for the petitioners and the State.
- Petitioners seek regular bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.
- As per the prosecution case, 486 liters of Nepali liquor has been recovered from the Maruti van.
- Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners and they are no way concerned with the alleged recovery. Petitioners were not arrested on the spot. Petitioners claim clean antecedent. Petitioners are in custody since 24.3.2021. Investigation is



complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, 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 Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in GO Police Station Case No. 122 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

**(Prabhat Kumar Singh, J)**

Shashi

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