

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5083 of 2021**

Arising Out of PS. Case No.-329 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Abhisek Yadav @ Abhishek Yadav aged about 20 years Son Of Bhikhari Yadav Mohalla Krishnapuri, P.S. Thakurganj, District- Kishanganj.
 2. Shayam Kumar Ray aged about 26 years Son Of Khurma Rai Mohalla-Kharabari, Ward No 2 P.S. Thakurganj, District Kishanganj
 3. Vikash @ Vikash Singh aged about 19 years Son Of Late Rajendra Singh Mohalla Godhara, P.S. Thakurganj, District Kishanganj

... .. Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.A.G.

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

2 06-04-2021 Heard learned counsel for the petitioners and the State
through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that on secret information a raid was conducted and theses petitioners were arrested along with a pickup van. Upon search, police recovered 877.125 liters of foreign liquor from the vehicle.



Learned counsel appearing for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. Petitioner no.1 is driver and petitioner nos. 2 and 3 are helpers of the pick up van and they were not aware of the nature of consignment loaded on the pickup van. Nothing incriminating has been recovered from the possession of the petitioners and they have nothing to do with the alleged recovery. Petitioners have got no criminal antecedent and they are in custody since 13.11.2020.

Considering the period of custody of the petitioners coupled with the fact that they have got clean antecedent, 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, Kishanganj in Special case no. 329 of 2020 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)

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