

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23817 of 2022**

Arising Out of PS. Case No.-140 Year-2020 Thana- KHODAWANDPUR District- Begusarai

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1. Priya Ranjan @ Chhotu @ Priya Ranjan Kumar, S/o Bhuneshwar Yadav @ Bhubneshwar Yadav @ Muneshwar Yadav, R/o village- Mangalgadh, P.S.- Hasanpur, District- Samastipur
2. Kundan Yadav @ Kundan Kumar, S/o Manoj Yadav, R/o village- Mangalgadh, P.S.- Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      22-07-2022              Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Khodawandpur P.S. Case No. 140 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that while the



police party was conducting routine patrolling, they saw that one motorcycle along with a bolero car was coming. On seeing the police party, two persons, who were on motorcycle have succeeded to flee away after leaving the motorcycle, whereas the bolero was intercepted and the driver of the bolero jeep disclosed the name of the person, who were fleeing away from the place of occurrence. On search being made 126 litres of illicit liquor was recovered from the said bolero.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners were neither arrested at the spot nor any incriminating material has been recovered from their conscious possession. It is also submitted that the petitioners have no concern with the seized vehicle nor with the recovered liquor. It is next submitted that there are other infirmities in preparation of seizure list and moreover there is no independent witness to the seizure list. It is lastly submitted that the petitioners are in custody since 04.04.2022 having clean antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioners have been disclosed by the driver of the bolero vehicle and the petitioners succeeded in fleeing away



from the place of occurrence.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners were neither arrested at the spot nor any incriminating material has been recovered from their conscious possession and further they have no concern with any of the seized vehicle and material and they are in custody since 04.04.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.-I, Begusarai in connection with Khodawandpur P.S. Case No. 140 of 2020 subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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