

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27947 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Ashutosh Kumar Yadav Son Of Bijendra Yadav R/O Village- Khakhai, P.S.- Kishanpur, District- Supaul
2. Nitish Kumar Son Of Laleshwar Yadav R/O Village-Chain City Patti, P.S. And District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Mohammadpur P.S. Case No. 13 of 2022 for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the police on secret information intercepted Honda City car and on search total 202.5 liters illicit foreign made liquor



was recovered. It is further alleged that the police apprehended three persons including these petitioners on the spot.

Learned counsel for the petitioner submits that the petitioners are neither any concern with the seized car nor with the illicit liquor. It is next submitted that the petitioners are having fair antecedent and are in custody since 22.01.2022 and after completion of investigation charge sheet has been submitted. It is also submitted that there is various other infirmities in the preparation of seizure list and the same is in violation of Section 100 of the Cr.P.C. It is next submitted that both the petitioners were took lift in the car and as such they were not even aware as to what was loaded in the car.

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners were neither any concerned with the seized vehicle nor liquor. Petitioners are in custody since 22.01.2022 and investigation of the crime is concluded and the charge sheet



has been submitted. There is no likelihood of commencement of trial in near future, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Mohammadpur P.S. Case No. 13 of 2022 subject to the condition that one of the bailors will be the close relatives 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.

N.K/-

(Harish Kumar, J)

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