

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37269 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- GURUA District- Gaya

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1. Lalan Yadav, Son of Bineshwar Yadav, R/o Village- Jaynagar, P.S.- Gurua, District- Gaya
 2. Ajay Bhuiyan, Son of Banshi Bhuiyan, R/o Village- Jaynagar, P.S.- Gurua, District- Gaya
 3. Vikash Bhuiyan, Son of Laldeo Bhuiyan, R/o Village- Jaynagar, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Sunil Kumar Yadav, 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 Gurua P.S. Case No. 135 of 2022 registered for the offence punishable under Section 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the allegation against the



petitioners to be engaged in manufacturing and trading of illicit wine. The police on secret information raided the place of occurrence and total 110 litres of country made liquor, besides other manufacturing articles, were recovered. Local Chaukidar disclosed the name of various persons, including the petitioners.

Learned counsel for the petitioners submits that the alleged recovery has been made from an open place, situated at a hilly area, and the petitioners have neither any concern with the place nor with the illicit recovered wine. He next submits that the petitioners were not apprehended at the place nor any incriminating material has been recovered from their possession. He further submits that save and except the disclosure made by the village Chaukidar, there is no other material and, moreover, the petitioners, having fair antecedent, are in custody since 12.05.2022.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners were neither apprehended at the spot nor any incriminating material has been recovered and, moreover, the alleged recovery has been made from an open place and the petitioners, having fair



antecedent, are in custody since 12.05.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. 2, Gaya in connection with Gurua P.S. Case No. 135 of 2022, 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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