

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65920 of 2021**

Arising Out of PS. Case No.-74 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Fudan Yadav Son of Sri Shivan Yadav Resident of village - Mathar, P.S.-
Mufassil, District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 65940 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Gaurav Raj Son of Sri Ramakant Das Resident of Village- Rahimpur Dakshin,
P.S.- Mufassil, District- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

(In criminal miscellaneous no. 65920 of 2021)

For the Petitioner/s : Mr.Amarendra Narayan, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

(In Criminal Miscellaneous No. 65940 Of 2021)

For the Petitioner/s : Mr.Amarendra Narayan, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2022 Heard counsel for the petitioners and the State.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioners are in custody in connection with
Excise Case No. 74 C 3/2021 instituted under section 30(a) of
Bihar Prohibition and Excise Act, 2016.



As per the prosecution case, altogether 27 bottles of 100 phensedyl cough syrup was recovered from a vehicle kept in two bags and the persons sitting in the vehicle was taken into custody.

Learned counsel for the petitioners submits that they had nothing to do with the said two bags and were mainly travelling on the said vehicle. He further submits that the petitioners are students and the Bolero car do not belong to them which they had merely boarded. He lastly submits that the petitioners are in jail since 29.8.2021 (as stated in para-15 of the bail application).

Considering the aforesaid facts that the Bolero car do not belong to the petitioners, they are students, aged about 21 and 25 years respectively, are in jail custody since 29.8.2021 and the charge-sheet has already been submitted in the matter; this Court is inclined to grant the privilege of bail to them.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge (Excise), Khagariya or the court concerned, in connection with Excise Act Case No. 74 C 3/2021 subject to the following conditions:-



(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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