

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67652 of 2021

Arising Out of PS. Case No.-711 Year-2021 Thana- KHAGARIA District- Khagaria

1. AJAY KUMAR YADAV Son of Munesh Kumar Yadav Resident of Village - Fatehpur, P.S.- Balari, District - Muradabad (U.P.)
2. Prem Singh Son of Brij Lal Singh Resident of Village - Fatehpur, P.S.- Balari, District - Muradabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Khagaria (Muffasil) P.S. Case No. 711 of 2021 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation in the First Information Report is that on secret information, the alleged vehicle was intercepted in NH 31 while it was moving from Mansi to Begusarai and in the presence of police witnesses, the container which was driven by the petitioner no. 1 (Ajay Yadav) with the petitioner no. 2



(Prem Singh) sitting by his side was searched and total 2934 liters foreign liquor was recovered/seized.

Learned counsel for the petitioners submits that although they are driver and cleaner of the said vehicle they had no knowledge about the alleged transportation of the foreign liquor. Both of them have no criminal antecedent and are in jail since 09.09.2021 (as stated in paragraph-15 of the bail application).

Considering the fact that charge-sheet stands submitted in the matter, there is no question of tampering with the evidence and they are in jail since 09.09.2021, this Court is inclined to grant them the privilege of bail subject to certain conditions.

Let the petitioners 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 learned Special Judge (Excise), Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 711 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *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 fortnight 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.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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