

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57826 of 2022**

Arising Out of PS. Case No.-129 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Suraj Yadav Son of Shravan Yadav @ Shravan Kumar Yadav @ Sarvan
Kumar Yadav Resident of Village- Agasta, P.S.- Nandganj, District-
Ghazipur(U.P)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58265 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Kamlesh Kumar S/O Lalu Singh, Resident of village- koirpurwa Buxar, P.S.-
Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 57826 of 2022)

For the Petitioner/s : Mr.Surendra Kumar Choubey, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

(In CRIMINAL MISCELLANEOUS No. 58265 of 2022)

For the Petitioner/s : Mr.Satyapal Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of from Buxar

Excise P.S. Case No. 129 of 2022, as such, they have been taken

up together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State through video conferencing.

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

In the present case, the petitioners seek bail in connection with Buxar Excise P.S. Case No. 129 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on the basis of secret information a bolero vehicle was intercepted and petitioners along with two co-accused persons were apprehended. The petitioner Suraj Yadav is stated to be the driver of the said vehicle and at his disclosure 172.8 litres of illicit India made foreign liquor was recovered from a secret compartment made in the ceiling of the vehicle.

The learned counsel for the petitioners submits that the petitioner are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. From the FIR, it is clear that co-accused Dharmendra Kumar has accepted the ownership of the allegedly recovered liquor. Learned counsel for the petitioners further submits that the petitioners are neither the owner of the vehicle nor of the allegedly recovered liquor. Other co-accused person has been granted bail by this Court vide order

dated 24.11.2022 passed in Cr. Misc. 55756 of 2022. The petitioners are in custody since 20.08.2022 and prosecution case has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody along with the submission of prosecution report, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Buxar in connection with Buxar Excise P.S. Case No. 129 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail

bond of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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