

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3185 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Sanjeev Kumar Yadav, S/o Panchlal Yadav R/v- Belwa, P.S.- Dagarua,
District- Purnea
 2. Vikas Prasad Yadav, S/o Basudev Yadav R/v- Lasanpur, P.S.- Dagarua,
District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 27-04-2023 Heard Mr. Vinay Ranjan, learned counsel appearing
on behalf of the petitioners and learned Additional Public
Prosecutor for the State.

The petitioners seek bail, who are in custody, in
connection with Special Case No. 1475 of 2022 arising out of
Kishanganj Excise P.S. Case No. 334 of 2022, registered for the
offences punishable under Sections 30(a), 30(iii) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police, in course of vehicle checking, intercepted
one Mahindra Scorpio where the petitioners were found seated
and on search total 43.950 litres Indian-made foreign liquor was
recovered.



Submission has been made on behalf of the petitioners that the petitioners have no concern with the alleged illicit wine, however, in course of checking one Tata Magic Van was intercepted and from where huge amount of illicit wine has been recovered, in the meantime the petitioner vehicle was also intercepted by the police personnels and on account of some altercation took place between the petitioners and the police personnels, their names have been implicated in this case showing recovery of few litres of illicit wine from the vehicle of the petitioners. Counsel for the petitioners further submitted that the petitioners having fair antecedent are in custody since 27.11.2022, though the investigation of the crime is complete and the charge-sheet has been submitted, however, there is no chance of initiation of the trial in near future.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future, coupled with the fair antecedent, let the petitioners, abovenamed, 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 Additional District and Sessions Judge-IV-cum-Special Judge (Excise), Kishanganj, in connection with Special Case No. 1475 of 2022 arising out of Kishanganj Excise P.S. Case No. 334 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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