

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22008 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- GURUA District- Gaya

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1. KAMLESH YADAV S/o Late Mukhdeo Yadav Resident of village-Jolaha Bigha, P.S.-Gurua, Distt-Gaya
 2. MAHANGU BHUIYAN S/o Late Faguni Bhuiyan Resident of village-Guneri, P.S.-Gurua, Distt-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mrs.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Gurua P.S. Case No. 103/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 50 liters country made mahua wine as well as utensils/apparatus used in manufacturing of illicit liquor from the place of occurrence. Petitioners apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. He further submits that the petitioners are languishing in custody since 03.03.2023 and bear no criminal antecedent.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named 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 Court No.-2, Gaya in connection with Gurua P.S. Case No. 103/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Alok Kumar Pandey, J)

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