

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26051 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- MALSALAMI District- Patna

1. BAIJU YADAV SON OF KAPIL DEV RAY R/O DAMARAHI GHAT, PS- MALSALAMI, DISTT- PATNA
2. RAHUL KUMAR SON OF MAHESH PRASAD @ MAHESH KUMAR R/O DAMARAHI GHAT KINARE, JHINJHRIBAGH, PS- MALSALAMI DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Malsalami P.S. Case No. 154 of 2023 registered for the offences punishable under Section 30(a) and 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 100 litre mahua liquor from the tempo in question and petitioners are apprehended on spot.

Learned counsel for the petitioners submits that petitioner are in custody since 03.03.2023 and bear no criminal antecedent. He further submits that petitioners are quiet



innocent and have falsely been implicated in the case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise, Patna City, District-Patna in connection with Malsalami P.S. Case No. 154 of 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)

vashudha/-

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