

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36716 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- DAUDNAGAR District- Aurangabad

1. SHANKAR YADAV S/O JAY MANGAL RAY R/O Village-Narayanpur
Fakirana, P.S.-Saraiya, dist.-Muzaffarpur
2. CHANDAN YADAV S/O BIRENDRA RAY R/O Village- Madwan, P.S.-
Karja, dist.-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Daudnagar P.S. Case No. 189 of 2023 registered for the offences
punishable under Sections 30(a)/32/41(1) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of altogether 1784.52 liters foreign liquor from the truck in
question and Hundai Xcent car in question. Petitioners and
others are apprehended on spot.

Learned counsel for the petitioners submits that
petitioners are in custody since 05.04.2023. Petitioners bear no



criminal antecedents. Learned counsel further submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C.

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 as well as period of custody, argument advanced on behalf of the petitioners, keeping in view clean antecedent of the petitioners 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Daudnagar P.S. Case No. 189 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)

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