

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35522 of 2023**

Arising Out of PS. Case No.-449 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

-
1. Mahesh Kumar son of Baban Yadav @ Baban Chaudhary Resident of Mohalla- Ramnagar Ward No. 21, PS- Siwan Town, District- Siwan
 2. Lalita Devi Wife of Ganesh Yadav Resident of Mohalla- Ramnagar Ward No. 21, PS- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Nand Kishore Pd.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Excise
P.S. Case No. 449/2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 539.640 liters illicit liquor from the house of co-accused
Ganesh Yadav. Petitioners are apprehended on the spot.

Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioners. He further submits that the petitioners are languishing in custody since 01.05.2023 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 Judge, Excise-II, Siwan in connection with Excise P.S. Case No. 449/2023, 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)

amitkumar/-

U		T	
---	--	---	--

