

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35732 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- BISFI District- Madhubani

1. DILKHUSH YADAV Son of Bishwanath Yadav Resident of village - Bisfi Dih, P.S. - Bisfi, Distt. - Madhubani
2. Raj Mohan Yadav Son of Nathuni Yadav Resident of village - Bisfi Dih, P.S. - Bisfi, Distt. - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP.

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 Bisfi P.S. Case No. 110 of 2023, G.R. No. 544 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 347.355 liters foreign liquor from the truck bearing Reg. No. BR06GD-2634. Petitioners are apprehended on spot.

Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as



alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioners. They have been implicated in this case merely on suspicion. Petitioners are in custody since 07.04.2023 and bear no criminal antecedent.

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 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 Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani, in connection with Bisfi P.S. Case No. 110 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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