

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42102 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Santosh Yadav Son Of Baiju Yadav Resident Of Village- Mosimpur, Ps-
Sadar, Distt-M Darbhanga
 2. Hukumdeo Yadav Son Of Late Halkhori Yadav Resident Of Village-
Mosimpur, Ps- Sadar, Distt-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Sadar P.S. Case No. 206 of 2023 instituted under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 21.3.2023 by the informant, Hansh Kumar.

As per the prosecution story, the police on secret information reached village Gousaghat when two persons tried to escape and from a Mango orchard 1350 bottles, total 405 liters of Nepali liquor in plastic bag were recovered/seized. The name of the came through information given by the informer. Accordingly, the FIR.

Learned counsel for the petitioners submit that they



have nothing to do with the said recovery which is from a Mango orchard which does not belong to them.

Learned APP opposes the prayer for bail.

Considering the submission put forward by the learned counsel for the petitioners as also that they do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sadar P.S. Case No. 206 of 2023 to the satisfaction of learned Exclusive Special Judge-1 (Excise Act), Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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