

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51996 of 2023**

Arising Out of PS. Case No.-274 Year-2023 Thana- ATRI District- Gaya

1. MILAN KUMAR Son of Late Gulab Singh Resident of village - Kharhari, P.S. - Muffasil, Distt. - Gaya
2. Ashish Yadav Son of Mahendra Yadav Resident of village - Kharhari, P.S. - Muffasil, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aditya Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-08-2023                      Heard Mr. Aditya Pandey, learned counsel for the  
petitioners and the State.

The petitioners are in judicial custody in connection with Atri P.S. Case No. 274 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018 lodged on 11.6.2023 by the informant, Rajan Kumar.

As per the prosecution story, the police on information intercepted a motorcycle carrying a sack and on search, 30 liters of illicit Mahua liquor was/were recovered/seized. The petitioners were apprehended and the FIR.

Learned counsel for the petitioners submit that they were moving on a motorcycle were apprehended and implicated with an abandoned sack with illicit Mahua liquor and as the



motorcycle belonged to petitioner no.1. Naturally, he became an accused.

The last submission is that none of them have criminal antecedent.

Learned APP opposes the prayer stating that the motorcycle belongs to the petitioner no.1.

Taking into account the submission put forward by the learned counsel for the petitioners as also that they do not have criminal antecedent, are in custody since 12.6.2023 (para-12 of the petition), FIR lodged and ultimately will have to face the trial, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Atri P.S. Case No. 274 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) 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;

(v) 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 observations, the bail application is allowed.

Before parting, this Court would like to put on record its word of appreciation for Mr. Aditya Pandey, learned counsel for the petitioners for the proper assistance rendered by him.

**(Rajiv Roy, J)**

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