

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53535 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. MUKESH YADAV SON OF RAMPRIT YADAV RESIDENT OF VILLAGE- LOHIJARA TOLA, BALICHHAPAR, PS- SIDHWALIYA, DISTT- GOPALGANJ
2. MITHUN SAH @ MITHUN KUMAR SON OF DUDHNATH SAH RESIDENT OF VILLAGE- BATHUA, PS- MAJHAGARH, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Kuchaikote P.S. Case No.333 of 2023 instituted under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 30.06.2023 by the informant Surendra Rai.

As per the prosecution story, the police intercepted a Bolero and recovered/seized 132.120 ml of foreign liquor. Accordingly, the FIR was lodged.

It is the case of the petitioner that he has already suffered by being in custody since 01.07.2023 (para-9 of the petition). The alleged Bolero does not belong to him, he only being a passenger has been implicated in this case.

Learned APP opposes the prayer for bail stating that



there has been recovery as also that he has criminal antecedent.

Taking into account the submissions put forward by the learned counsel for the petitioner, his period of custody as also ultimately, he will be facing the trial, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kuchaikote P.S. Case No.333 of 2023 to the satisfaction of learned Additional District and Sessions Judge, IVth cum Special Judge Excise Court No.II, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners 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 appear before the concerned police station every fortnight for next six months to mark 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 their 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.

(Rajiv Roy, J)

Prakash Narayan

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