

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52468 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- TILAUTHU District- Rohtas

1. DHEMAN YADAV @ RANJIT KUMAR S/O CHANDEEP @ CHANDRADEEP YADAV R/O VILLAGE- CHANDANPURA, P.S- TILAUTHU, DISTT.- ROHTAS.
2. SIPAHI YADAV S/O KAILASH YADAV R/O VILLAGE- CHANDANPURA, P.S- TILAUTHU, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Tilauthu P.S. Case No. 98 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 9.5.2023 by the informant, Ghanshyam Kumar.

As per the prosecution story, on secret information, the police intercepted a motorcycle, the accused persons escaped in the cover of darkness. On search, 55 liters of country made liquor was recovered/seized from the two sacks. The informer gave the name of the petitioners which followed their arrest/FIR.



The case of the petitioners is that they have not been apprehended from the spot, has been implicated on the basis of informant which is nothing but a brainchild of police.

Learned APP opposes the prayer stating that his name has come during the course of investigation.

Taking into account the period of custody (20.5.2023) as also that they do not have criminal antecedents, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.2 cum Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Tilauthu P.S. Case No. 98 of 2023 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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