

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53572 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. CHHOTELAL YADAV S/O LATE RAJDEV YADAV R/O- KHALWA TOLA, P.S.- PHULWARIYA, DISTT.- GPALGANJ
2. AJAY YADAV S/O GARJU YADAV R/O- VILL.- MADARWANI, P.S.- PHULWARIYA, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Phulwariya P.S. Case No. 250 of 2023 registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 15.07.2023 by the informant, P. Kumar.

As per the prosecution story, the accused persons coming on a motorcycle were intercepted, one person managed to escape, the other three apprehended. So far as petitioner no. 1 is concerned, 35 liters country made liquor recovered from the 'gunny' bag of his motorcycle whereas from petitioner no. 28 liters country made liquor recovered/seized from another gunny



bag which was left by Santu Barnwal another accused, 26 liters counter made liquor recovered/seized, totalling 90 liters.

It is the case of the petitioners that they have been implicated by the falsely, nothing was recovered from his conscious possession and has remained in custody since 16.07.2023.

Learned APP opposes the prayer for bail stating that both of them have criminal antecedent of same nature.

Taking into account the submissions put forward by the learned counsel for the petitioners, materials on record, this Court is inclined to grant him privilege of bail but only after the framing of the charge in view of the fact that they have criminal antecedent of same nature.

Let the petitioners be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -II cum Special Judge Excise -I, Gopalganj in connection with Phulwaria P.S. Case No. 250 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/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 the bail bonds.

(Rajiv Roy, J)

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