

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54241 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- YADOPUR District- Gopalganj

1. Vijay Yadav Son Of Sudama Yadav Village- Rajwahi Ps- Jadopur Dist- Gopalganj
2. Phulena Yadav Son Of Ramashankar Yadav Village- Rajwahi Ps- Jadopur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devashish Giri

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 108 litres of country made liquor from a Tempo bearing Reg. No. BR-04N-8557. Petitioners are apprehended on spot. Petitioner No. 2, namely, Phulena Yadav is driver and petitioner no. 1, Vijay Yadav is passenger of the aforesaid Tempo.



4. It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Moreover, the petitioners are languishing in judicial custody since 11.07.2023.

5. In contra, learned A.P.P. appearing on behalf of State vehemently opposed the prayer of bail and submitted that petitioner No. 2 is the driver of Tempo from which huge amount of liquor has been recovered.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) 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 Jadopur P.S. Case No. 165 of 2023.



7. The petitioner No. 2, namely, Phulena Yadav is directed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousands) in the concerned District Legal Services Authority.

8. The bail bond of the petitioner No. 2, namely, Phulena Yadav shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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