

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56217 of 2023

Arising Out of PS. Case No.-483 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. BIJENDRA YADAV S/o Panchanand Yadav R/o Village-Dubahas, P.S.-Dubahas, District-Baliya.
 2. SUJEET GUPTA S/o Hareram Gupta @ Hareram Prasad R/o Village-Bahadurpur, P.S.-Haldy, District-Baliya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Saran Excise P.S. Case No. 483 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 09.07.2023 by the informant, Anil Sha.

As per the prosecution story, the allegation is that a pick-up van was intercepted while coming from Uttar Pradesh side and there is recovery of 462.600 liters of liquor. Both the driver and the cleaner (the petitioners herein) were arrested.

It is the case of the petitioners that they are poor people, failed to understand that beneath the goods that was



loaded in the truck, there was liquor present for which they have suffered by being in custody since 10.07.2023 (as stated in paragraph-13 of the petition) and their incarceration is proving starvation in their respective families.

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner, both are driver and cleaner, they are in custody since 10.07.2023, do not have criminal antecedent and will have to face the trial, this Court is inclined to extend him the privilege of bail.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -II cum 1st Special Judge, Excise Saran at Chapra in connection with Saran Excise Case NO. 483 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/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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