

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69798 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Sunil Yadav @ Sunil Yadav Son Of Bindu Yadav Village- Lahidari Ps- Gola Dist- Gorakhpur U.P
2. Prince Prasad S/O- Gore Lal Yadav Village- Durganagar Ps- Giriyak Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Phulwariya P.S. Case No. 295 of 2023 registered on 16.08.2023 for the alleged offences under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, during checking of vehicle, a car was signaled to stop. The driver stopped the car and two persons from that vehicle tried to flee away from the spot, who were apprehended. Petitioners are the apprehended person and when the car was searched, 84.600 litres of India made foreign liquor was recovered. Petitioner no. 1 is said to be



the owner of the car and both of them disclosed that they were involved in the illicit trade of liquor.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The recovery has been shown from the car and the petitioners have got no concern with either the car or the seized liquor. The seizure list has not been prepared in accordance with law and there is complete violation of section 100(6) of Cr.P.C. The petitioners are having clean antecedent and they are in custody since 16.08.2023.

05. Learned APP for the State opposes the prayer for bail of the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 295 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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