

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67604 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

SITA RAM YADAV @ BABA @ STR Son of Late Triveni Rai Resident of
Village- Kodarkatta Puran Tole, P.S.- Motipur, District- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No 69221 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

MUNNA SINGH @ RANJIT KUMAR SINGH Son of Late Dhruv Nath
Singh R/V- Mahana, P.S- Motipur, Dist- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No 67604 of 2022)

For the Petitioner/s : Mr Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No 69221 of 2022)

For the Petitioner/s : Mr Manoj Kumar, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023

Heard learned counsels for the petitioners and learned
Additional Public Prosecutors (for brevity, **APPs**) appearing for the
State of Bihar.

The petitioners seek bail in Excise GR No 1462 of 2021
arising out of Amas Police Station (for brevity, **PS**) Case No 209 of
2021 registered for the offence punishable under Sections 30 (a), 33,
41 of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 4,000 liters of spirit
concealed beneath the other goods in a truck. The Driver Shatrughan
Ray (co-accused) has stated the name of nine others including the
petitioners as the persons who were indulging in the illicit trade of
liquor. The petitioners, under these circumstances, are in custody



since 17.08.2022 and 29.09.2022 respectively. It is further submitted that their names are being inserted in all the cases in similar manner leading to pendency of at least 15 cases and 2 cases respectively against them. The Driver, who was arrested from the truck carrying liquor, has been allowed bail by this Court by order dated 24.06.2022 passed in Cr Misc No 69997 of 2021. From the petitioners, there is no recovery and they were not arrested from the truck. Investigation is also complete.

Learned APPs have opposed the prayer for bail.

This Court, having considered the rival submissions, alleged manner of recovery, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No II, Gaya in Excise GR No 1462 of 2021 arising out of Amas PS Case No 209 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

