

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78597 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- KEWATI District- Darbhanga

1. RAKESH KUMAR YADAV Son of Ram Prakash Yadav Resident of village - Dahipura, Police Station - Keoti, District - Darbhanga.
2. Md. Raja @ Samim Son of Md. Najim @ Lala @ Lalo Resident of village - Gathuli, Police Station - Keoti, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Keoti P.S. Case No. 260 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018 lodged on 07.09.2023 by the informant, Arjun Giri.

3. As per the prosecution story, the police during patrolling got secret information about unloading of liquor and reached the place. Upon the sight of the police, the accused started leaving whereafter there was recovery of 193.545 liters of Indian made foreign liquor. As per the FIR the same belongs to Kameshwar Bhagat and petitioners were the associates. Accordingly the FIR.

4. Learned counsel for the petitioners submits that though the recovery is from the orchard of Kameshwar Bhagat



surprisingly, his name was not found in the list of the accused rather these petitioners were incorporated as the persons to be associated with the alleged recovery.

5. Learned APP opposes the prayer stating that the name has come in the FIR itself.

6. Having gone through the submissions put forward by the parties as also the fact that the recovery is allegedly from the '*orchard*' of Kameshwar Bhagat, the locals gave their names as associates, they will be ultimately facing the trial.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Keoti P.S. Case No. 260 of 2023 to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;

(Rajiv Roy, J)

Adnan/-

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