

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74901 of 2023

Arising Out of PS. Case No.-685 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. PINTU YADAV son of Late Ghurahu Yadav @ Ghurhu Village- Maidhi Halua Ps- Saiydaraja Dist- Chandauli UP.
2. Manoj Chaurasiya son of Late Motilal Chaurasiya Village- Kata Ps- Saiydaraja Dist- Chandauli U.P.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mohania P.S. Case No. 685/2023 registered for the offences punishable under Sections 414 of the Indian Penal Code and Sections 30(a), 47, 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 156.6 liters foreign liquor from Scorpio vehicle in question and the petitioners apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 26.09.2023 and bear no criminal antecedent. He further submits that the petitioner no.1 is a driver and petitioner no.2 is a passenger of the alleged vehicle in question and they have nothing to do with the alleged occurrence. The petitioner no.1 is a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner no.1 has to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No.1 cum A.D.J.-IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 685/2023, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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