

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5665 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- CHANDAN District- Banka

-
1. Arun Kumar Yadav @ Arun Kr. Yadav Son of Bhaglu Yadav R/o vill - Gidhiya, P.s. - Devipur, State - Jharkhand
 2. Hari Yadav S/o Late Jagdish Yadav R/o vill - Bhitiana, P.s. - Jasidih, Distt. - Deoghar, state - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Special Excise Case No.664 of 2023 arising out of Chandan P.S. Case No. 183 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, there was alleged recovery of 1616.22 litre illicit liquor from the pick up van in question and petitioners alongwith other apprehended on the spot.

4. Learned counsel for the petitioner submits that



petitioner are in custody since 17.11.2023 and both bear no criminal antecedent. Petitioners are neither owner nor driver of the said pick up vehicle in question. Petitioners were apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that there is no compliance of Section 100 of Cr.P.C. Learned counsel further submits that petitioners are quite innocent and have falsely been implicated in the case..

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No.664 of 2023 arising out of Chandan P.S. Case No. 183 of 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)

vashudha/-

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

