

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4168 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- FULKAHA District- Araria

Raushan Kumar Yadav @ Raushan Kumar S/O PRAHLAD YADAV
VILLAGE- RAMGHAT, WARD NO. 05, PS. NARPATGANJ, DIST.
ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4462 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- FULKAHA District- Araria

Rajeev Yadav @ Rajiv Yadav Son of Late Bechan Yadav R/o vill - Manikpur
ward no. 12, P.S. - Fulkaha, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4168 of 2024)

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 4462 of 2024)

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard Mr. Arun, learned Counsel for the petitioner

in Cr. Misc. No. 4168 of 2024 and Mr. Arvind Kumar, learned

Counsel for the petitioner in Cr. Misc. No. 4462 of 2024.

2. The petitioners are accuseds in connection with

Fulkaha P.S. Case No. 167 of 2023 registered for the offences

under section 414 of the Indian Penal Code and section 30(a) of



the Bihar Prohibition and Excise Act lodged on 10.11.2023 by the informant, Jagannath Prasad Ram.

3. As per the prosecution story, upon secret information, the police intercepted the motorcycles, the accuseds tried to leave the place but the petitioner, Raushan Kumar Yadav @ Raushan Kumar apprehended with 18 litres of Nepali country made liquor and from the rest of the five motorcycles 150 litres of Nepali country made recovered/seized. Accordingly, the FIR.

4. In case of Cr. Misc. No. 4168 of 2024, learned Counsel submits that he was driving the motorcycle which he owns and did not knew that the pillion rider is having liquor in the bag.

5. In Cr. Misc. No. 4462 of 2024, it is submitted that he is not the owner of any of the motorcycles and his name has come in the confessional statement. He further submits that on instruction that the petitioner on his own will be contributing Rs. 15,000/- to the Patna High Court Legal Services Committee.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that they have been apprehended with the liquor.

7. Taking into account the submissions put forward by



the parties as also that the petitioner, Raushan Kumar Yadav @ Raushan Kumar is in custody since 11.11.2023 (as stated in paragraph 8 of the bail application) while the petitioner Rajeev Yadav @ Rajiv Yadav is in custody since 29.11.2023 (as stated in paragraph 18 of the bail application), FIR lodged ultimately they will be facing the trial, this Court is inclined to extend them privilege of bail.

8. However, so far as Cr. Misc. No. 4462 of 2024 is concerned, the same is subject to the payment of Rs. 15,000/- to the Patna High Court Legal Services Committee.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise II, Araria in connection with Fulkaha P.S. Case No. 167 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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