

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5052 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- DAUDPUR District- Saran

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1. Sarvjeet Yadav @ Nikhalesh Ray Son of Moti Ray @ Mati Ray Resident of Pipra Tola, Maujampur P.S. - Awtarnagar, District – Saran.
 2. Jitendra Ray @ Jitendra Rai Son of Baijnath Ray Resident of Pipra Tola, Maujampur P.S. - Awtarnagar, District – Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Daudpur P.S. Case No. 350/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there was alleged
recovery of 02 liters beer from the truck bearing registration no.
UP14ET3069. Petitioner no.1 was driver and petitioner no.2
was cleaner of the said truck in question and 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 22.10.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged vehicle in question. Petitioner no.1 is merely a driver and petitioner no.2 is merely a cleaner of the said vehicle and have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have 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. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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
1st Exclusive Special Excise Court, Saran at Chapra in
connection with Daudpur P.S. Case No. 350/2023, 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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