

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4907 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- Excise P.S. District- Bhojpur

1. Umesh Yadav Son of Sheojee Yadav R/o vill - Masarh Tola, P.s. - Udwant Nagar (Gajrajganj O.P.), Dist. - Bhojpur
2. Chandan Kumar Son of Nand Kishor Yadav R/o vill - Masarh Tola, P.s. - Udwant Nagar (Gajrajganj O.P.), Dist. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mrs. Rita Verma

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 Excise (Jagdishpur) P.S. Case No. 88/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery of 42 liters country made liquor from the motorcycle in question and the petitioners were 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 01.12.2023 and bear no criminal antecedent. He further submits that the petitioners were neither owner of the said motorcycle nor was concerned with the seized liquor. He further submits that the petitioners were apprehended on the spot and merely on the basis of suspicion, they have falsely been roped in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. 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 Exclusive Special Excise Court No.-II, Bhojpur at Ara in connection with Excise (Jagdishpur) P.S. Case No. 88/2023, 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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