

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18170 of 2024

Arising Out of PS. Case No.-1421 Year-2023 Thana- Excise P.S. District- Darbhanga

1. Surdev Yadav @ Surya Dev Yadav @ Suryadev Yadav S/O- Sri Rambharosh Yadav @ Ram Bharosha Yadav R/O- Village- Belhi, Ward No.- 1, P.S.- Jainagar, Dist.- Madhubani.
2. Lalu Kumar Yadav @ Kuldip Yadav S/O- Ramnath Yadav @ Ram Nath Yadav R/O- Village- Belhi, Ward No.- 1, P.S.- Jainagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Excise Sadar P.S. Case No. 1421 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 306 liters liquor was recovered from car and both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners have got no



concern with the alleged recovery of liquor. It is further submitted that petitioner no. 1 is driver of the seized vehicle and he has no knowledge regarding the goods loaded in the vehicle, whereas petitioner no. 2 has no concern with the vehicle. The petitioners are in custody since 29.12.2023 and have got one criminal antecedent in which both the petitioners are on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Court below/concerned Court in connection with Excise Sadar P.S. Case No. 1421 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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