

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76646 of 2024

Arising Out of PS. Case No.-598 Year-2024 Thana- Excise P.S. District- Nawada

Umesh Yadav Son of Paro Yadav Resident of Village- Losighani, P.S. -
Sikandara, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The State Of Bihar Advocate General Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 598 of 2024 for the offence punishable under Sections 30(a), 30(f), 34(b), 47 of the Bihar Prohibition and Excise Act lodged on 29.08.2024 by the informant, Sunny Kumar.

3. As per the prosecution story, the police intercepted a Tata vehicle and there is recovery of 3450 liters of codeine syrup kept in the 345 boxes containing 100 pieces of 100 ml. Each. The petitioner who was driving the vehicle was arrested.

4. Learned counsel for the petitioner submits that he was having valid challan issued by the Sukanya Enterprises, Ranchi and was to be delivered at New Hindustan Medical



Agency, Murliganj, Madhepura. He had no knowledge about it save and except he was moving on a valid challan. Further, he has already suffered by being in custody since 30.08.2024 (para-13 of the petition) and has no criminal antecedent. He further submits that in any case the total recovery/seizure is 138 grams which is much below the one kg commercial quantity.

5. Learned APP opposes the prayer submitting that when the vehicle was intercepted, the petitioner was driving the vehicle. However, he too accept that the same is below the commercial quantity.

6. Considering the aforesaid facts/submission as also the period of custody and further the recovered/seized quantity is below the commercial one, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court, Excise-2, Nawada, in connection with Excise P.S. Case No. 598 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner 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 the bail bonds;

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

(Rajiv Roy, J)

Ravi/-

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

