

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76813 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- Excise P.S. District- Madhubani

1. Devnath Kumar Yadav Son of Brahamdev Yadav Resident of Village - Bhith Bhagwanpur, Tola - Rajaul, Police Station - Madhepur, District - Madhubani
 2. Dilip Mandal Son of Raj Kumar Mandal Resident of Village - Bhith Bhagwanpur, Tola - Rajaul, Police Station - Madhepur, District - Madhubani
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. Nilendu Kumar Choudhary, learned counsel
for the petitioners and the State.

2. The petitioners are in custody in connection with Sadar Excise P.S. Case No. 245 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.09.2024 by the informant, Dharendra Prasad Shrivastava.

3. As per the prosecution story, upon information, the Wagon-R vehicle was intercepted and there is recovery of 171 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they do not own the car, while the petitioner no. 1 is a driver, the petitioner no. 2 is mere passenger and both of them had no inkling about the presence of liquor and the last submission is that irrespective of the outcome of the present case and/or accepting



the allegation, the petitioner no. 1 intends to contribute Rs. 10,000/- to the District Legal Services Authority, Madhubani for installation of benches in the Civil Court campus, Madhubani through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that both being the occupant cannot exonerate themselves from the recovery/seizure.

6. Taking into account the submission put forwarded by the parties as also the fact that nothing has been recovered from their conscious possession, they are in the custody since 05.09.2024 (paragraph-17 of the petition), FIR lodged and will be facing the trial, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs.10,000/- by the petitioner no. 1 to the District Legal Services Authority, Madhubani for installation of benches in the Civil Court campus, Madhubani through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani, in connection with Sadar Excise P.S. Case No. 245 of



2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 six months to mark their 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 the 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.

(Rajiv Roy, J)

Adnan/-

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