

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81052 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- LAUKAHA District- Madhubani

1. Vijay Kumar Yadav @ Vijay Yadav S/o- Uday Narayan yadav Resident of village-Balanpatti Ps- Laukaha District- Madhubani
2. Jitendra Kumar Yadav @ Jitendra Yadav S/o- Hare Ram Yadav Resident of village-Balanpatti Ps- Laukaha District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Laukaha P.S. Case No. 189 of 2024 for the offences punishable under Sections 274, 275 of BNS and Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 02.10.2024 by the informant, Sanjay Kumar Yadav.

3. As per the prosecution story, the informant alleged that on 02.10.2024, upon secret information, a motorcycle was intercepted having bag on it, it was kept in the bush, the accused were chased and apprehended, from the bag there is recovery/seizure of 117 litres of Nepali liquor and 20 litres Beer. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that though motorcycle belongs to petitioner no.1, the recovery is not from it rather from the bushes, only because of criminal antecedent both have been implicated and are in custody since 03.10.2024 (para-12 of the petition). Further, submission is that



irrespective of the outcome of the present case and or accepting the allegation they intend to pay Rs. 5,000/- (Five thousand) each i.e. Rs. 10,000/- (Ten thousand) altogether by way of Bank Draft issued by the local State Bank of India to the District Legal Services Authority, Madhubani, for the installation of steel benches in the Civil Court campus, Madhubani.

5. Learned APP opposes the prayer submitting that the motorcycle belongs to petitioner no.1.

6. Considering the submissions put forward by the parties as also the fact that the recovery/seizure is from the bush kept in the bag and not from the conscious possession of the petitioners, have remained in custody since 03.10.2024, this Court is inclined to extend them the privilege of bail, subject to the payment of Rs. 5,000/- (Five thousand) each i.e. Rs. 10,000/- (Ten thousand) altogether by way of Bank Draft issued by the local State Bank of India to the District Legal Services Authority, Madhubani, for installation of steel benches in the Civil Court campus, Madhubani. A receipt thereof has to be submitted before the trial court, Madhubani.

7. Let the petitioner, above named, 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



Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show his 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 month for one year 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)

perwez

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

