

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80726 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- Excise P.S. District- Madhubani

1. Anand Kumar Yadav Son of Late Guletan Yadav Village- Gajhara ward No 5 PS- Ladaniya Distt -Madhubani
2. Kari Yadav Son of Late Bachchelal Yadav Village- Gajhara ward No 5 PS- Ladaniya Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with G.O. No. 2275 of 2024 arising out of Sadar Excise P.S. Case No. 248 of 2024 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act lodged on 08.09.2024 by the informant, Prince Kumar.

3. As per the prosecution story, the informant alleged that he got secret information about transportation of illicit liquor, intercepted a Maruti Suzuki Car and recovered/seized 522 liters of Nepali liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they do not own the vehicle nor are drivers/owners, were merely the



passerby, got arrested. Further, nothing has been recovered from their conscious possession and are in custody since 09.09.2024 (para-4 of the petition).

5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the parties as also the fact that both the petitioners do not own the vehicle nor are the drivers, are in custody since 09.09.2024, this Court is inclined to extend them the privilege of bail with conditions.

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 & Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani, in connection with G.O. No. 2275 of 2024 arising out of Sadar Excise P.S. Case No. 248 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member 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 next 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)

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