

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82055 of 2024**

Arising Out of PS. Case No.-170 Year-2024 Thana- Excise P.S. District- Rohtas

- 
1. Upendra Kumar Yadav S/o Late Rajesh Singh @ Late Rajendra Singh R/o vill - Ghosiya Kala, ward no. 10, P.S. - Bikramganj, Distt.- Rohtas
  2. Sanjay Kumar @ Sanjay Kumar Yadav S/o Dinanath Singh R/o vill - Ghosiya Kala, ward no. 10, P.S. - Bikramganj, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Ms. Khushi Awadh, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

---

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      28-11-2024                      Heard Ms. Khushi Awadh, learned Counsel for the  
petitioners and learned APP for the State.

2. The petitioner is in custody in connection with Excise Case No. 916 of 2024, F.I.R. No. 170 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018, 22.10.2024 by the informant, Nitish Kumar.

3. As per the prosecution story, the informant alleged that during course of patrolling, upon secret information, a motorcycle was intercepted driven by petitioner no. 2 (Sanjay Kumar) and the petitioner no. 1 was its pillion rider. There is recovery/seizure of 50 litres of country-made liquor from it.

Subsequently, a Maruti SX4 was also intercepted and there is a recovery of 300 litres of country-made liquor and those present in it, Subash Kumar and Raushan Kumar were arrested. This led to the FIR/arrest of the petitioners.

4. It is the case of the petitioners that both do not own the motorcycle, they were just a passerby, arrested, are in custody since 23.10.2024 and have no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that they were riding the said vehicle when the recovery/seizure was made.

6. Taking into account the aforesaid submissions as also the fact that that they do not have criminal antecedent nor are the owner of the vehicle, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. It is, however, made clear that any of the petitioners is found to have criminal antecedent, order with regard to him shall become infructuous.

8. 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 Exclusive Special Judge, in connection with Excise Case No. 916 of 2024, F.I.R. No. 170 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 their 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 their 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.)**

Jyoti Kumari/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|