

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81636 of 2024

Arising Out of PS. Case No.-621 Year-2024 Thana- Excise P.S. District- Siwan

1.

Sonu Kumar Yadav @ Adarsh Kumar @ Adarsh Yadav Son of Daroga Yadav Resident of village- Mairwa Bauchak, PS- Mairwa Distt.- Siwan
2.

Chandan Yadav son of Late Ramadhar Yadav Resident of village- Imnauli, P.S.- Mairwa, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mrs. Kumari Anupam, learned counsel for the

petitioners and the State.

2. The petitioners are in judicial custody in connection with Siwan Excise P.S. Case No. 621 of 2024 for the offence punishable under Section 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2016 lodged on 11.10.2024 by the informant, Manoj Kumar Rai.

3. As per the prosecution story, the informant upon secret informant and during patrolling, intercepted a Scorpio and there is recovery/seizure 475.220 liters of foreign liquor. This led to the FIR/arrest.

4. It is the case of the petitioners that the Scorpio does not belong to them, have no criminal antecedent, were a mere passenger little realizing that it has liquor in it, have suffered by being in custody since 12.10.2024. The last submission is that



irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs.15,000/- (7,500/-) each to the District Legal Services Authority, Siwan for the purchase of steel Benches for the Civil Court Campus, Siwan through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the submissions as also the fact that he does not own the vehicle, has no criminal antecedent, in that background, this Court is inclined to extend them the privilege of bail subject to payment of Rs.15,000/- (7,500/-) each as undertaken by the learned counsel for the petitioners to be paid to the DLSA, Siwan for the purchase of steel Benches in the Civil Court Campus, Siwan by Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

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 Excise Court No.II, Siwan, in connection with Siwan Excise P.S. Case No. 621 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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