

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82141 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- GOPALPUR District- Gopalganj

-
1. Vikash Kumar Yadav @ Vikash Yadav Son of Shri Ramraksha Yadav R/O Vill.- Barahchap, P.S.- Kateya, Dist.- Gopalganj.
 2. Prem Kumar Yadav Son of Munna Yadav R/O Vill.- Barahchap, P.S.- Kateya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Raj, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard Ms. Priya Raj, learned counsel for the
petitioners and the State.

2. The petitioners are in judicial custody in connection with Gopalpur P.S. Case No. 236 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.09.2024 by the informant, Dinesh Singh.

3. As per the prosecution story, the informant alleged that during patrolling, three motorcycles were intercepted and altogether there is recovery/seizure of 72 litres of country made liquor in three bags which led to the FIR.

4. It is the case of the petitioners that the motorcycles that have been seized do not belong to either of them, were



asked by the original owner to take the same for a particular place little realizing that the bag contains liquor, both are student and have already suffered by being in custody since 22.09.2024 (para-16 of the petition).

5. Learned APP opposes the prayer submitting that they were riding the motorcycles when intercepted and recovery/seizure.

6. Considering the submissions put forward by the parties as also the fact that the two petitioners do not own the vehicle, are young, students, have remained in custody since 22.09.2024 having no antecedents, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners, above named, 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 Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj 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 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)

perwez

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

