

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82840 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SONEBARSA District- Buxar

1. Amit Yadav Son of Shri Ram Yadav @ Shree Ram Singh Resident of Village- Etaunah Tola, P.S.- Sonvarsha, Distt.- Buxar
2. Dhanji Yadav Son of Shri Ram yadav @ Shree Ram Singh Resident of Village- Etaunah Tola, P.S.- Sonvarsha, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Sonvarsa P.S. Case No. 28 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 28.10.2024 by the informant, Navin Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, police raided the place of occurrence. The accused tried to escape but were caught and there is recovery/seizure of 76 liters of Mahua which led to the F.I.R/arrest of the petitioner.

4. Learned counsel for the petitioners submit that



nothing has been recovered from their conscious possessions, the recovery/seizure is from an open place in a plastic bag, they are own brothers having no criminal antecedents and are in custody since 28.10.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that the petitioners have remained in custody since 28.10.2024 having no criminal antecedents, this Court is inclined to extend them the privilege of bail.

7. 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 Excise Special Judge Court No.-II at Buxar in connection with Sonvarsa P.S. Case No. 28 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 his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court 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 petitioner shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner shall in now 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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