

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83785 of 2024

Arising Out of PS. Case No.-1076 Year-2024 Thana- Excise P.S. District- Kishanganj

1. Uday Chand Yadav @ Uday Chand Kumar S/O Late Ram Chand Yadav Resident of Mangalwara, P.S. Srinagar, District Madhepura.
2. Prakash Kumar Son of Vidyanand Kamti Resident of Wipej Ata, Sector 27, P.S. Gautam Budh Nagar, District Noida (U.P.), Permanent resident of Ram Nagar, Kewara, P.S. Krityanand Nagar, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Madhya Nishesh P.S. Case No. 1076 of 2024 for the offence punishable under sections 30(a) , 32(3) of the Bihar Prohibition and Excise Act, 2018 lodged on 13.09.2024 by the informant, Jitendra Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the police during patrolling intercepted a Duster Car and there is recovery/seizure of 62.640 liter foreign liquor. This led to the FIR, arrest.

4. It is the case of the petitioners that they do not own the vehicle, have no criminal antecedent, had booked a car, for



which already suffered by being in custody since 13.09.2024.

5. Learned APP opposes the prayer for bail submitting that when the car was intercepted, they were present on it.

6. Considering the submissions put forward by the parties as also the fact that the petitioners are not the owners, have no criminal antecedent and are in custody since 13.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 Excise-II, Kishanganj in connection with Madhya Nishesh P.S. Case No. 1076 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(Rajiv Roy, J)

Vijay Singh/-

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