

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82735 of 2024

Arising Out of PS. Case No.-800 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Devanand Yadav S/O Satyendra Yadav Resident of village - Bakhtiyarpur Nayatoa, Madhavpur P.S.-Bhakhtiyarpur, District- Patna
2. Raja Kumar S/O Ratan Singh Resident of village - Bakhityarpur Nayatoa, Madhavpur P.S.-Bhakhtiyarpur, District- Patna
3. Rohit Kumar S/O Bablu Singh Resident of village - Bakhityarpur Nayatoa, Madhavpur P.S.-Bhakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Excise P.S. Case No. 800 of 2024 for the offences punishable under Sections 30(a), 32(i) & (iii) and 41(i) & (ii) of the Bihar Prohibition and Excise Act, lodged on 16.10.2024 by the informant, Pushpanjali Kumari.

3. As per the prosecution story, the informant alleged that Police during patrolling, intercepted a CNG Tempo and there is recovery/seizure of 157.680 liters of illegal foreign liquor, which led to the F.I.R. and arrest of the petitioners.

4. Learned counsel for the petitioners submit that they



are not the owner of the vehicle rather the same is of Shiv Kumar, they are young persons, students and had no knowledge about the presence of the liquor. None of them have criminal antecedent and are in custody since 17.10.2024.

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 are not the owner of the vehicle, are young persons and are in custody since 17.10.2024 having no criminal antecedent, 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 court of Special Judge, Excise-II, Kaimur at Bhabhua in connection with Excise P.S. Case No. 800 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 his their 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 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 petitioners 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)

vinayak/-

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

