

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83175 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- Excise Jhanjharpur District- Madhubani

1. Kailash Kumar Yadav S/o Niranjan Prasad @ Niranjan Yadav @ Niranjan Prasad Yadav R/o Village- Rauahi, Ward No.-05, P.S.- Andhramath, District- Madhubani
2. Jitendra Kumar Yadav @ Jitendra Kumar S/o Sanjay Yadav R/o Village- Rauahi, Ward No.-05, P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Jhanjharpur P.S. Case No. 176 of 2024 for the offence punishable under sections 30(a) , 32(a), 32(3), 41(1), 41(2), 45 of the Bihar Prohibition and Excise Act, 2018 lodged on 04.10.2024 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the informant alleged that on secret information about movement of liquor from Nepal side, the motorcycle was intercepted and there is recovery/seizure of 103.500 liter foreign liquor. This led to the FIR, arrest.

4. It is the case of the petitioners that the motorcycle does not belong to them, they were passerby, had no knowledge about the police having recovered the materials from the motorcycle, as they refused to become independent witness,



implicated. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000 (each) (totaling Rs. 20,000/-) for the installation of the Steel Benches/beautification of the Jhanjharpur Court Campus, Madhubani through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that both have criminal antecedent.

6. Considering the submissions put forward by the parties as also that they are in custody since 05.10.2024, a categorical statement has been made that the motorcycle does not belong to them, in that background, this Court is inclined to extend him the privilege of bail with conditions Subject to payment of Rs. 10,000 (each) (totaling Rs. 20,000/-) by the petitioner for the installation of the Steel Benches/beautification of the Jhanjharpur Court Campus, Madhubani through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchases have to be submitted to the learned Trial Court.

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 Special Judge, Excise Act, Jhanjharpur in connection with Jhanjharpur P.S. Case No. 176 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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