

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83717 of 2023

Arising Out of PS. Case No.-677 Year-2023 Thana- Excise P.S. District- Araria

1. Pranav Kumar Yadav @ Parvin Kumar Yadav Son Of Shree Ganesh Yadav Resident Of Village-Shive Singhpur Ward No. 10, P.S. Lakhnour, District- Madhubani
2. Ranjeet Kumar Yadav Son Of Shree Dilip Yadav Resident Of Village- Shive Singhpur Ward No. 10, P.S. Lakhnour, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Araria Excise Circle P.S. Case No. 677/2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016(Amendment Act, 2018).

As per prosecution case, 193.005 litre foreign liquor was recovered from Bolero Vehicle in question and both petitioners were apprehended on spot.

Learned counsel for the petitioners submits that petitioners are innocent and has committed no offence as alleged in the FIR and they have falsely been implicated in this case. It



is further submitted that the petitioners are not owners of the vehicle in question. Petitioner no. 1(Pranav Kumar Yadav) being the driver and petitioner no. 2(Ranjeet Kumar Yadav) being cleaner of the said vehicle, have to follow the instructions of the owner to earn their livelihoods. They have nothing to do with the alleged occurrence and they have no knowledge regarding the illicit liquor kept in the vehicle in question. Seizure list has not been made as per law. Petitioners are in custody since 07.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioners bear no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Araria in connection with Araria Excise



Circle P.S. Case No. 677/2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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