

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84480 of 2023

Arising Out of PS. Case No.-646 Year-2023 Thana- Excise P.S. District- Madhubani

1. Raju Kumar Yadav SON OF LAXMAN YADAV RESIDENT OF VILLAGE- SONBARI, WARD NO. 11, PS- RAJNAGAR, DISTT- MADHUBANI
2. RAM ASHRAY YADAV SON OF RAM PRAKASH YADAV @ PRAKASH YADAV RESIDENT OF VILLAGE- HIRAPATI, PS- RAJNAGAR, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr.Ravi Prakash
For the Opposite Party/s :		Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Prohibition Case No. 646/2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 210.75 litre foreign liquor was recovered from Breeza car in question and both petitioners apprehended on spot.

Learned counsel for the petitioners submits that petitioner is innocent and have committed no offence as alleged



in the FIR and they have falsely been implicated in this case. Though, petitioner no. 1 is the owner of the Breeza car in question, he has no knowledge regarding the illicit liquor kept in the vehicle in question and petitioner no. 2 has got no concern with the said vehicle as he had taken lift in the said vehicle when he was apprehended on spot. It is further submitted that petitioners were apprehended merely on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are in custody since 13.10.2023. Petitioners bear no criminal antecedent.

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

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 Additional Sessions Judge II cum Special Judge Excise Act, Madhubani in



connection with Prohibition Case No. 646/2023 , 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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