

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1475 of 2024

Arising Out of PS. Case No.-1308 Year-2023 Thana- Excise P.S. District- Darbhanga

1. Sadhu Kumar, SON OF Pramod Yadav, RESIDENT OF VILL- KHAIRA-MATH, P.S.- JAINAGAR, DISTT- MADHUBANI, BIHAR.
2. Tribhuvan Kumar Son of Lal Kishore Sah @ Lal Kishore Thakur Resident of Vill- Khaira Math, P.S.- Jainagar, Distt- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Excise Prohibition Sadar Darbhanga P.S. Case No. 1308/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 513 liters illegal Neapli liquor from Maruti ECO Van in question and petitioners were apprehended on the spot alongwith other.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 29.10.2023 and bear no criminal antecedent. He further submits that the petitioners were neither owner nor driver, rather they were merely passenger of the said Van in question. The petitioners have no knowledge regarding the alleged liquor that has been kept in the said Van. He further submits that the petitioners have no concern with the seized liquor and seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Act-01, Darbhanga in connection with Excise Prohibition Sadar Darbhanga P.S. Case No. 1308/2023, subject to 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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