

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4498 of 2024

Arising Out of PS. Case No.-764 Year-2023 Thana- Excise P.S. District- Buxar

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1. Arjun Yadav Son of Anil Yadav R/o vill - Bhagwanpur Samne Ghat, P.S. - Lanka, Dist. - Varanasi (U.P.)
 2. Dhirendra Pratap Singh @ Dhirendra Prasad Singh Son of Guru Prasad @ Guru Prasad Singh R/o vill - Bhagwanpur Samne Ghat, P.S. - Lanka, Dist. - Varanasi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Buxar Excise P.S. Case No. 764 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 5.12.2023 by the informant, Dhananjay Kumar Sinha.

3. As per the prosecution story, the police upon information intercepted the Swift Desire Car and recovered/seized 44 liters of beer from the vehicle. Those sitting inside the car were apprehended, the petitioner being one of them. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they were taken the car on hire to meet a relative who stays at



Buxar but were apprehended little realizing that the prohibited items were there in the car for which they have suffered by being in custody since 6.12.2023 (para-11 of the petition) and both do not have criminal antecedents.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties, the vehicle does not belong to them and they are in custody since 6.12.2023, do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

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 Exclusive Special Judge, Excise Court No.2, Buxar, in connection with Buxar Excise P.S. Case No. 764 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their



bail 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 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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