

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2919 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- BAHERI District- Darbhanga

1. Raja Yadav Son of Shiv Nandan Yadav RESIDENT OF VILLAGE-BIHRAUMA POLICE STATION- BAHERI DISTRICT DARBHANGA
2. Shiv Nandan Yadav Son of Late Jogeshwar Yadav RESIDENT OF VILLAGE-BIHRAUMA POLICE STATION- BAHERI DISTRICT DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Bahedi
P.S. Case No. 398 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, 216.9 litre foreign liquor
was recovered from house of Raja Yadav(petitioner no. 1) and
both petitioners were apprehended on spot.

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



case. Basically no incriminating article has been recovered from conscious possession of the petitioners. Seizure list has not been made as per law. Petitioners are in custody since 06.12.2023. Petitioners bear no criminal antecedents.

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 Judge-1(Excise Act), Darbhanga in connection with Bahedi P.S. Case No. 398 of 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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