

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14592 of 2018

Arising Out of PS. Case No.-1573 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Balwant Yadav, son of Vimlesh Yadav @ Vimlesh Singh, resident of Village-
Baharad, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Asharaf Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Sasaram (M)
P.S. Case No. 1573 of 2017 registered for the offence punishable
under Sections 30(a), 34 and 38 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on a secret tip-off that the petitioner along
with 15 other persons are engaged in sale of illicit liquor near
the river side, they conducted raid and all the persons managed
to flee away. However, on search, 250 litres of mahua wine was
recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and just because he is involved in a



case of similar nature, he has been made accused in the present case. He submits that nothing has been recovered from the conscious possession of the petitioner, petitioner was not even present at the place of occurrence and due to highhandedness of the police, he has been falsely implicated. He submits that petitioner is ready to cooperate in the investigation, provide all necessary information and undertakes not to tamper with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum- Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 1573 of 2017, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating their relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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