

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13594 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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RUPESH YADAV S/O LATE SITA RAM YADAV R/O VILLAGE-
SHANKARPUR BARBADALA, P.S- MOTIHANI DISTRICT BEGUSARAI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with (Lodipur) Excise P.S. Case No. 104 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on 8.12.2020 the Excise Inspection got a secret information and went to the place as said in information and started checking of vehicles along with home guard party at toll plaza Lodipur during checking one Tata 407 was stopped, when search was

made total 499.500 litres wine of several companies were recovered from a secret chamber in the said vehicle.

It is the submission of learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is said to be the driver of the vehicle from which the alleged recovery have been made. The petitioner is in custody since 8.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the driver of the vehicle from which 499.500 litres of illicit liquor is said to have been recovered, the petitioner has remained in jail in connection with this case since 8.12.2020, investigation against him is complete but he had otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-cum-Special Judge Excise, Bhagalpur in connection with (Lodipur) Excise P.S. Case No. 104 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.