

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7908 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- DHIBRA District- Aurangabad

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BASANT YADAV S/O JAGDISH YADAV R/o village- Parmeshri/Prameshri,
P.S.- Mali, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Dhibra
P.S. Case No. 01 of 2022, G.R. No. 32/2022 registered for the
offences punishable under Section 30(a) of Bihar Prohibition of
Excise Act, 2018.

As per prosecution case, 277.5 litre illicit liquor
has been recovered from Alto car and petitioner was arrested at
the spot while another co-accused succeeded in fleeing away.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.01.2022 and bears no criminal
antecedent. Petitioner is neither owner nor driver of the said car



and he has been dragged in this case only on the basis of suspicion. Co-accused Ranjeet Kumar @ Babu has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 17444 of 2022. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner 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 Special Judge, Excise, Aurangabad in connection with Dhibra P.S. Case No. 01 of 2022, G.R. No. 32/2022, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned



Trial court itself.

(iii) If the petitioner tampers 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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