

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19551 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Deepak Yadav Son of Ambika Yadav @ Amerika Yadav Resident of village -
Bara Pandeya (Bhatta), P.S.- Roh, District- Nawada Petitioner
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioner and the

State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
G.O. Case No. 124 of 2022 under sections 30(a)/30©/56(b) of
the Bihar Prohibition and Excise Act, 2016.

The allegation in the FIR is that the police upon
secret information raided a place, the accused persons tried to
flee away but one of them namely Deepak Yadav, the petitioner
herein was apprehended. It is further alleged that 1500 kgs. of
'Jawa Mahua' was recovered/seized/destroyed and 26 liters of
illegal 'Mahua' as also five liters each on the two motorcycles
were also recovered/seized. Accordingly, the petitioner was
taken into custody.

Learned counsel for the petitioner submits that this



is an exaggerated version of the police who themselves claimed that immediately after the recovery/seizure of the 'Jawa Mahua', they destroyed, he as such questioned the said alleged recovery as also the quantity of seized 'Jawa Mahua' that has been alleged in the FIR. He submits that he has no criminal antecedent and for the said act he is in custody since 9.2.2022 (as stated in para-12 of the bail application).

Taking into account the aforesaid fact as also that the charge-sheet stands submitted, the petitioner is in custody since 9.2.2022, this Court is inclined to grant him the privilege of bail considering the fact that he has no criminal antecedent. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Nawada in G.O. Case No. 124 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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