

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18663 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- ROSHANGANJ District- Gaya

Ram Achal Yadav @ Ram Achal Son Of Babu Lal Yadav Resident Of Village
- Pure Bisai, P.S.- Kurwar, District - Sultanpur (U.P.)

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks regular bail in connection
with Excise GR No. 63 of 2022 arising out of Raushanganj
(Bankebazar) P.S.Case No. 18 of 2022 registered for the
offences punishable under Sections 30(a), 32(2) and 41(1) of the
Bihar Prohibition and Excise Amendment Act,2018.

As per prosecution case, there is alleged recovery
of 5068.44 litre foreign liquor from the truck in question and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 31.01.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was unaware about the consignment found in truck in question as he was only the driver of the said truck and he was instructed to deliver the consignment to the destination. The name of the petitioner has been falsely implicated in this case and he has no concern with the seized liquor.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Exclusive Special Excise Judge, Court No. 3, Gaya in connection with Excise GR No. 63 of 2022 arising out of Raushanganj (Bankebazar) P.S. Case No. 18 of 2022, subject to 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) Petitioner 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 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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