

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24776 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- FULKAHA District- Araria

RAJESH KUMAR YADAV Son of Shyam Sundar Yadav Resident of Village
- Madhura North , Ward no.4, P.s.- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with
Fulkaha P.S. Case No. 18 of 2022 under Sections 30(a) and
41(i) of the Bihar Prohibition and Excise Act (Amendment) Act,
2016.

The allegation against the petitioner is that the police
party saw a vehicle coming from Indo-Nepal border to India.
They tried to stop them but they started fleeing and altogether
459 liters of Nepali liquor was recovered/seized. Accordingly,
the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that the



allegation is of recovery/seizure of 459 liters of Nepali liquor from Maruti Car. He further submits that the petitioner is neither the driver nor the owner and was simply a co-passenger, who had little knowledge of the presence of liquor in the car for which he has already suffered by being in custody 21.02.2022 (as stated in paragraph-10 of the bail application).

Considering the fact that the alleged recovery/seizure of the liquor has been attributed to the Maruti Car and the petitioner was a co-passenger in it, charge sheet stands submitted and he is in custody since 21.02.2022, this court is inclined to grant him the privilege of bail.

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 Spl. Judge Excise -II, Araria in connection with Fulkaha P.S. Case No. 18 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member 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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