

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26032 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- RANIGANJ District- Araria

RABIN YADAV S/o Dukhai Yadav @ Dukhiya Yadav Resident of Village-
Kupari, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) of the Bihar Prohibition
and Excise Act.

Recovery is of 132 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the alleged
recovery has been made from the white colour Scorpio
standing in front of the door of the co-accused, Mithu Yadav.



He further submits that the petitioner was not apprehended from the spot nor he has got any concern with the vehicle in question as well the alleged recovery. He further submits that co-accused, namely, Alok Yadav @ Sanjeev Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.02.2022 passed in Cr. Misc. No. 4736 of 2022. The petitioner is rotting in judicial custody since 07.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raniganj P.S. Case No. 343 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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