

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32865 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- MIRGANJ District- Gopalganj

RAHUL KUMAR YADAV Son of Baijnath Yadav Resident of Village -
Barkagaon, P.S. - Mirganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mrs.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 bail in connection with
Mirganj P.S. Case No. 387 of 2021 registered for the offences
punishable under Sections 30(a), 35, 38 of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 78.400 litre illicit wine from the place of occurrence and
apprehended co-accused disclosed the name of petitioner and
others as fled away persons.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.03.2022 and bears criminal



antecedent of two cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing was recovered from conscious possession of the petitioner or from his house. Petitioner is not apprehended on the spot. Petitioner has no concern with the seized article at all. Petitioner has falsely been implicated in this case by the local police.

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, petitioner is not apprehended on the spot, 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV cum Special Judge (Excise), Gopalganj in connection with Mirganj P.S. Case No. 387 of 2021, 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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