

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36810 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- JOGBANI District- Araria

=====

Rabin Kumar Yadav @ Rabin Son Of Kishan Yadav @ Krishna Mohan Yadav Resident  
Of Village- Bisanpur , Ward No 6, P.S- Jogbani , Dist- 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.Jagdhar Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      26-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special (Excise) Case No. 490 of 2022 arising out of Jogbani P.S. Case No. 39 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, checking of vehicle was started on secret information and three motorcycle, on which 4-5 sacks were loaded, and were asked to stop. The riders of the motorcycle tried to escape leaving behind the motorcycle and



their belongings. The petitioner was apprehended after chase and from the three motorcycles, total 495 liters of country made *nepali* liquor was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He has no concern either with the seized liquor or with the motorcycle. Nothing has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 08.02.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and further considering the submission of charge sheet and his period of custody along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Araria in connection with Special (Excise) Case No. 490 of 2022 arising out of Jogbani P.S. Case No. 39 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the



following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

