

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49210 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- BAISI District- Purnia

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GANESH YADAV S/o LATE MAHAVIR YADAV R/o VILLAGE-NAVTOL,
P.S-GHANSHYAMPUR, DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navnit Kumar

For the Opposite Party/s : Mr. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.03.2021, seeks
regular bail in connection with Baisi P.S. Case No. 68 of 2021
registered for offences punishable under Sections 272, 273 of
the Indian Penal Code and Section 30(a), 41, 47 of the Bihar
Prohibition and Excise Act, 2016.

Prosecution story in brief is that altogether 123.375
litres of foreign liquor was recovered from one Tata Safari
commercial vehicle bearing registration no. DL3CAC-5943,
Engine no. etc. whose detail is in the F.I.R.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and nothing has been recovered from his conscious possession. Petitioner was one of the co-passengers in the said car. Petitioner has clean antecedent and he is in custody since 01.03.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that illicit trade of liquor is rampant in the State of Bihar and the same has not been stopped in spite of complete prohibition being there in the State after coming into force of Bihar Excise Act, 2016 from the year 2016. In such circumstances, granting bail to the petitioner will not be in public interest.

Considering the fact that petitioner has no criminal antecedent and he is in custody since 01.03.2021, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Baisi P.S. Case No. 68 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

The superintendent (Excise), Purnea and District Transport Officer, Purnea shall also submit their report on or before 31.03.2022 to the Court below with respect to the vehicle bearing registration No. DL3CAC-5943.

With above observation and direction the present bail application is disposed of.

(Purnendu Singh, J)

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