

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42058 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- KHIJARSARAI District- Gaya

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RIPU YADAV @ RINKU YADAV @ VARUN YADAV SON OF BINAY
YADAV R/O VILLAGE- BIRBAL BIGHA, P.S.- BELAGANJ, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N. A. Shamsi

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-09-2022 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
Khizarsarai P.S. Case No. 270 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 70 litres country made mahua wine from the motorcycle in
question and co-accused, Arun Kumar and Vikash Kumar
apprehended on the spot disclosed that the said alleged wine as
well as motorcycle belongs to the petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 10.03.2022 and bears eleven criminal antecedent of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from physical or conscious possession of the petitioner and he has been falsely implicated in this case. The petitioner has neither concerned with the said motorcycle nor concerned with the seized wine. Co-accused Arun Kumar and Vikash Kumar have already been granted bail by the court below and the case of petitioner stands on better footing.

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 Special Excise Judge, Gaya in connection



with Khizarsarai P.S. Case No. 270 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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