

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44029 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Rabin Yadav @ Rabinder Yadav @ Rabin Kumar Yadav, Son of Shambhu Yadav, Resident of Village - Sahugarh, Tola - Diwani, Ward No.- 12, P.S. and District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned

A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Madhepura Excise P.S. Case No. 11 of 2021
registered for the alleged offences under Section 30 (a) of the
Bihar Prohibition and Excise Act.

Allegedly, 43 litres of country made liquor was
recovered near the pond of this petitioner apart from 620 KG of
raw material, which got destroyed. The petitioner is said to have
fled away from the spot.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The prosecution report has been submitted in this case. The petitioner is in custody since 20.05.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of prosecution report and the period of custody of the petitioner, he 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 I/c Additional District and Sessions Judge-IV-cum-Special Judge-IV, Madhepura, in connection with Madhepura Excise P.S. Case No. 11 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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)

V.K.Pandey/-

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