

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67472 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- SASARAM RAIL P.S. District- Gaya

AYODHYA SINGH YADAV S/o Mahavir Yadav @ Mavir Yadav @ Mahavir
Singh Yadav R/o village- Subash Nagar, Ward No. 14, P.S.- Dehri Nagar,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Pandey

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Spl. Excise
Case No. 1885 of 2021 arising out of Rail Sasaram (Dehri) P.S.
Case No. 86/ 2021 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

There is recovery of 231 litres of illicit country made
liquor.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the east gate of coach no. 104062 EC in Train No. 03347. He further submits that in fact the police on the basis of suspicion has forcibly put his signature on blank paper and prepared the seizure list. He further submits that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 13.10.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Gaya in connection with Spl. Excise Case No. 1885 of 2021 arising out of Rail Sasaram (Dehri) P.S. Case No. 86/ 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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