

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70642 of 2021

Arising Out of PS. Case No.-455 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Vishwanath Yadav, S/o Lachan Yadav R/o village- Nawrahi, P.S.- Nautan,
District- Betiya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj, Adv.
For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

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

The petitioner is in judicial custody in connection with Kuchaikote P.S. Case No.455/2021 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation in the FIR is that the police upon information was checking the vehicle during patrolling duty, when they saw two persons riding on a motorcycle with a bag. As the police tried to intercept the accused persons, they took a 'U'-turn and tried to flee but were chased and apprehended. When the bag was searched, altogether 46.5 liters of foreign liquor was/were recovered/seized. Accordingly the FIR was instituted and the accused persons including the petitioner herein was arrested.

Learned counsel for the petitioner submits that he was



a pillion rider and for the alleged occurrence despite having no criminal antecedent has suffered a lot by being in jail since 31.10.2021 (as stated in para-11 of the bail application), this Court is inclined to grant him privilege of bail.

Considering the aforesaid facts that charge-sheet stands submitted, the petitioner do not have any criminal antecedent and is in jail since 31.10.2021, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Kuchaikote P.S. Case No.455/2021 to the satisfaction of learned Judicial Magistrate, Danapur/successor court, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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