

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1065 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- BUXAR District- Buxar

Durgesh Yadav S/O Raja Ram Yadav R/O Village- Pachwad, P.S.- Rasra,
District- Ballia (Uttar Pradesh)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Buxar (Town) P.S. Case No. 382 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 26.08.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, during vehicle checking at Buxar Golamber, the police party intercepted a white colour pick up van and on search total 228.96 liters of illicit liquor was recovered. This petitioner who happens to be the driver of the



vehicle and co-accused Birbal Thakur were apprehended from the said vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no knowledge of the illicit liquor kept in the vehicle. The petitioner has remained in custody since 26.08.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner, who happened to be the driver of the vehicle from which approximately 228 liters of illicit liquor was recovered, is in custody since 26.08.2021, he has otherwise no criminal antecedent, investigation against him is complete and his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Excise, Buxar in connection with Buxar (Town) P.S. Case No. 382 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

