

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.865 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- FATEHPUR District- Gaya

RAJESH YADAV Son of Shivilal Yadav Resident of Village - Baikunthpur
Dhanghar, P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 265 litres of country made wine from the vehicle.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered



from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. Further submits that altogether 265 litres of country made wine has been recovered and the police has apprehended the petitioner only on the basis of suspicion and the police after investigation submitted chargesheet and the petitioner is in custody since 02.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Fatehpur P.S. Case No. 377 of 2021, with 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 witness, 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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