

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2943 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

PAIRU YADAV Son of Sito Yadav Resident of Village/ Muhalla- Kathara,
P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act.

According to prosecution case, 15 litres of country made liquor and 100 litres of Mahua fulla have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from Suarkol



mountain and the petitioner has no concern with the alleged recovery of liquor. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and except the suspicion, no other cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Piri Bazar P.S. Case No. 34/2022, 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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