

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2271 of 2023**

Arising Out of PS. Case No.-141 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

PAIRU YADAV Son of Sito Yadav R/o 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, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.09.2022, in connection with Piri Bazar P.S. Case No. 141 of
2021, F.I.R. dated 17.09.2021 registered for the offences
punishable under Sections 30(a)(b)(c) of the Bihar Prohibition
and Excise Act and Section 3 of the Mahua Flower Act.

Recovery is of 50 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case only 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 or the house of the
petitioner rather recovery has been made near the river and the



petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.09.2022.

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

Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, 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 Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Lakhisarai in connection with Piri Bazar P.S. Case No. 141 of 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



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 antecedents, 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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