

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2894 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- BODHGAYA District- Gaya

Radhey Yadav @ Ragho Yadav S/O Bal Kishun Yadav Resident of village-
Jaysin Bigha, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

Recovery is of 150 litres of country made wine.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that as per
prosecution story altogether 150 litres of country made wine has
been recovered from the two motorcycles. He further submits
that the petitioner is neither the owner nor the rider of the
motorcycle in question and there is non compliance of Section
100 of the Cr. P.C. He further submits that similarly situated co-



accused namely Nouledge Kumar @ Naulej Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 23.09.2022 in Cr. Misc. No. 49083 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.12.2022.

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

Considering the facts and circumstances of the case, similarly situated co-accused person has been granted bail and the petitioner having clean antecedent, 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 Bodh Gaya P.S. Case No. 361 of 2022, 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 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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