

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3365 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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Sudama Yadav @ Sudma Yadav Son Of Late Manchan Yadav R/O Village-
Chandheri, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ankit Raj, Advocate
	:	Mr.Saurav Anand, Advocate
For the Opposite Party/s :		Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
10.11.2022 in connection with Excise P.S. Case No. 439 of
2022, F.I.R. dated 08.11.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

Recovery is of 62 liters of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case mainly on the basis of suspicion.
Further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious



possession of the petitioner rather the recovery has been made from the house and from the motorcycle in question and the petitioner is not the owner of the house in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.11.2022.

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

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having clean antecedent, 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 learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Excise P.S. Case No. 439 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/her absence on two consecutive dates without sufficient reason, his/her 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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