

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16809 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- RAGHOPUR District- Supaul

RAJESH YADAV @ RAJESH KUMAR YADAV Son of Ram Yadav @ Ram
Anugrah Yadav R/v- Narha, Ward No. 5, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 22.12.2022, in connection with Raghapur P.S. Case No. 162 of 2021 corresponding to S.T. Excise Case No. 666 of 2021, F.I.R. dated 03.07.2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise (Amendment) Act, 2018.

Recovery is of 254.250 litres of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. 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 of the petitioner rather recovery has been



made from the bamboo clump and from one motorcycle and the said motorcycle does not belong to the petitioner. He further submits that bamboo clump is an open place and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.11.2022.

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 one more case other than the present one in which he is on bail.

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 Exclusive Special Judge, Excise Court No. 2, Civil Court, Supaul in connection with Raghopur P.S. Case No. 162 of 2021 corresponding to S.T. Excise Case No. 666 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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