

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14983 of 2023

Arising Out of PS. Case No.-543 Year-2021 Thana- PATNA CITY CHOWK District- Patna

GOPAL YADAV @ VIKKY YADAV S/o Vijay Yadav R/o Mohalla- Morcha
Road, P.S.- Chowk, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.01.2023 in connection with Chowk P.S. Case No.543/2021,
F.I.R. dated 27.12.2021, for the offences punishable under
Sections 30(A) of Excise Act, 2016.

According to prosecution case, 32 litres of illicit liquor
is said to have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been 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 conscious possession
of the petitioner. The petitioner was not arrested on the spot and



the name of the petitioner has been transpired during investigation on the basis of disclosure made by the co-accused, namely, Vijay Yadav, who is father of the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.01.2023.

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 the petitioner has carried twelve 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 Special Judge, Excise Act, Patna City, in connection with Chowk P.S. Case No. 543/2021, 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 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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