

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13503 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BELAGANJ District- Gaya

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Satendra Yadav @ Satyendra Yadav Son Of Late Rambrich Yadav R/O Vill-
Birbal Bigha, P.S.- Bela Ganj, Distt.- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 17.01.2023
in connection with Bela Ganj P.S. Case No. 34 of 2023, F.I.R.
dated 16.01.2023 for the offences punishable under Sections
30(a), (c), (d), (g) of Bihar Prohibition and Excise Act.

According to prosecution case, upon receiving secret
information the informant along with other police personnel
raided the alleged place where illicit liquor was said to be
manufactured and after seeing the police party five persons
managed to flee while two were apprehended at the spot. It is
further alleged that the apprehended person disclosed the name
of this petitioner. It is further alleged that 10 litres of country
made liquor and a gas cylinder have been from the possession of

accused persons and about 3,000 litres of soaked jawa mahua, aluminium *tasla* and one cylinder has also been recovered from nearby place and later on 5 litres of the said liquor was seized and 2995 litres was destroyed.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that altogether 2995 litres of java mahua was recovered and destroyed by the prosecution and it appears from the seizure list that 10 litre country made liquor was recovered from the possession of the petitioner. Learned counsel for the petitioner submits that infact, nothing has been recovered from the possession of the petitioner and the police has planted the same showing that the recovery has been made from the possession of the petitioner as there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one 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 Additional Sessions Judge cum Exclusive Special Judge Excise -II, Gaya in connection with Bela Ganj P.S. Case No. 34 of 2023, 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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