

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17761 of 2023**

Arising Out of PS. Case No.-263 Year-2022 Thana- PHULWARIYA District- Gopalganj

DIPAK YADAV S/o Paras Yadav @ Parasnath Yadav R/o Village- Balesara,  
Tola Jahrulehata, P.S.- Unchkagaon, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      30-05-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with  
  
Phulwariya P.S. Case No. 263 of 2022, registered for the  
  
offences punishable under Sections 420, 414/34 of the IPC  
  
and Section 30(a) of the Bihar Prohibition and Excise  
  
(Amendment) Act, 2018.

As per allegation, total 432 litres of Indian Made  
  
Foreign Liquor were recovered and one accused person,  
  
namely Ajay Kumar Yadav was apprehended, who disclose  
  
the name of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner was not arrested from the spot and maliciously, he has been roped in the present case.

He further submits that the petitioner has been languishing in jail since 09.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that earlier the petitioner has been made accused in ten other cases also.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-II cum Spl. Judge Excise-I, Gopalganj, in connection with Phulwariya P.S. Case No. 263 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

Amrendra/-

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