

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17948 of 2023**

Arising Out of PS. Case No.-189 Year-2022 Thana- GOPALPUR District- Gopalganj

Dipak Yadav Son Of Paras Chaudhary @ Paras Nath Yadav Resident of
Village- Balahata Balesra Tola Jahrulehata Ps. Uchakagaon Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.12.2022 in connection with Gopalpur P.S. Case No. 189 of
2022, F.I.R. dated 09.09.2022 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 584.600 liters of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he 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 the
conscious possession or the house of the petitioner rather the
recovery has been made from the vehicle in question. He further
submits that petitioner was not apprehended from the spot and



he has no concern at all with the alleged recovery of illicit liquor and petitioner is neither the driver nor the owner of the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.12.2022.

Learned counsel for the petitioner further submits that on instruction out of ten cases petitioner is on bail in nine cases.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries ten criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended at the spot, 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 District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Gopalganj P.S. Case No. 189 of 2022, 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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