

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20039 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- TEGHRHA District- Begusarai

Udgar Yadav Son of Late Bodhan Yadav Resident of Village- Daniyalpur
Station Road, Teghra , Ward No. 5 Ps- Teghra, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Teghra

P.S. Case No. 387 of 2022, registered for the offences

punishable under Sections 30(a) and 41(i)(ii) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from a tempo, total 71.280 litres

of Indian Made Foreign Liquor has been recovered. The

petitioner was found sitting on the alleged tempo.

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 physical possession of the petitioner. He further submits that recovery has been made from the alleged tempo. The petitioner is neither the owner nor the driver of the alleged tempo. He was only a passenger.

He further submits that the petitioner has been languishing in jail since 01.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner is involved in two other cases of similar nature of offence.

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 Exclusive Special Judge Excise-1, Begusarai, in connection with Teghra



P.S. Case No. 387 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 any criminal antecedents other than the disclosed one, 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.

Learned 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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