

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22423 of 2023**

Arising Out of PS. Case No.-13 Year-2023 Thana- RAFIGANJ District- Aurangabad

PRABIND KUMAR @ PRABIND YADAV SON OF RANDHIR YADAV @
SHATRUDHAN YADAV RESIDENT OF VILLAGE - GAMHRIYA, P.O. -
BAKSI BIGHA, P.S. - KASMA, DISTT. - AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Rafiganj P.S. Case No. 13 of 2023 registered for the offences
punishable under Sections 30(a), 36 of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 50 liter country made mahua liquor has been recovered from
the motorcycle in question. Apprehended co-accused disclosed
that the said motorcycle belongs to the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.02.2023. Petitioner bears one
criminal antecedent of similar nature. Learned counsel further



submits that the petitioner is not apprehended on spot. Name of present petitioner has been transpired on the basis of statement of co-accused Guddu who disclosed that the motorcycle in question belongs to the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and he has no knowledge about the alleged liquor.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge – 1, Excise, Aurangabad in connection with Rafiganj P.S. Case No. 13 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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