

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24680 of 2023

Arising Out of PS. Case No.-250 Year-2021 Thana- PHULWARIYA District- Gopalganj

Sunil Yadav Son Of Suresh Yadav Resident Of Village - Madarwani, P.S. -
Phulwariya Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Tiwari, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Phulwariya P.S. Case No. 250 of 2021, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from a bush near the road, total

223.800 litres of country made liquor were recovered. It is

alleged that the petitioner managed to escape from the spot.

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, rather recovery has been made from an open area. He also submits that the petitioner was not arrested from the spot and he has maliciously been roped in the present case.

He further submits that the petitioner has been languishing in jail since 13.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner is also involved in three other case.

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

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 District & Sessions Judge-II-cum-Special Excise Court No.1,



Gopalganj, in connection with Phulwariya P.S. Case No. 250 of 2021, 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.

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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