

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22839 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- MADANPUR District- Aurangabad

RAJESH YADAV @ RAJESHWAR YADAV Son of Late Lekha Yadav R/V-
Kewalchak Mahadeo Asthan Gurua Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, APP.

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
General Registration No. 492 of 2022 arising out of Madanpur
P.S. Case No. 253 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 58 litres of illicit country-made liquor from different places.
Apprehended co-accused Sonu Kumar disclosed the name of the
petitioner and others as they are involved in the business of
selling of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.01.2023. Petitioner bears five



criminal antecedent of similar nature. Learned counsel further submits that the petitioner is not apprehended on the spot. On the basis of statement given by co-accused Sonu Kumar name of the present petitioner has been transpired in this case. Except statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence .

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, Excise, First, Aurangabad, in connection with General Registration No. 492 of 2022 arising out of Madanpur P.S. Case No. 253 of 2022, 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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