

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35704 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- SIMRI District- Buxar

BHIM YADAV Son of Nand Jee Yadav R/O Vill.- Keshopur, P.S.- Tilak Rai
Ka Hata (O.P.), Simari, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Simari (Hata)
P.S. Case No. 122 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
172.8 of foreign liquor from the Scorpio in question. Petitioner
is apprehended on spot.

Learned counsel for the petitioner submits that petitioner
is quite innocent and has committed no offence. The petitioner
is neither owner nor driver of the seized vehicle. Nothing was
recovered from the conscious possession of the petitioner.
Petitioner is in custody since 24.04.2023 and bears two criminal



antecedents out of which one is of similar nature. Petitioner is on bail in both cases.

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, period of custody, argument advanced on behalf of both sides 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 Exclusive Special Judge, Excise Court No.2, Buxar, in connection with Simari (Hata) P.S. Case No. 122 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)

divyanshi/-

U		T	
---	--	---	--

