

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36983 of 2023

Arising Out of PS. Case No.-343 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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RAHUL KUMAR @ RAHUL YADAV Son of Anil Yadav Resident of village
- Ratanpura, P.S. - Ghailardh (Madhepura), Distt. - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Ghailardh Madhepura Excise Case No. 343 of 2020 arising out
of Madhepura Excise P.S. Case No. 34 of 2020-21 registered for
the offences punishable under Section 30(a) and 30(c) of the
Bihar Prohibition and Excise Act,2018.

As per prosecution case, there is alleged recovery
of 320 litre country made liquor beneath the bed which was kept
in southern side of bungalow. Independent witness disclosed the
name of petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.04.2023 and bears criminal



antecedent of one case which is different from the present case and petitioner is on bail in said case. He further submits that petitioner is not apprehended on spot. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is quiet innocent and has falsely been implicated in the case.

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, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, Excise-IIInd, Madhepura in connection with Ghailardh Madhepura Excise Case No. 343 of 2020 arising out of Excise P.S. Case No. 34 of 2020-21, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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