

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57843 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- AANDAR District- Siwan

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BOLBAM YADAV Son of Daroga Yadav Resident of village - Sultanpur, P.s.
- Aandar, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Aandar
P.S. Case No. 09 of 2023 registered for the offence under Sections
30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 800 liters of country made liquor.

Learned counsel appearing 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 the alleged
recovery has been made from Sultanpur village near Kali Sthan in



a pit. He further submits that the petitioner has no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.06.2023.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he fairly submits that he has been granted bail on both the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Excise, Siwan in connection with Aandar P.S. Case No. 09 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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