

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51581 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- CHHAURADANO District- East
Champaran

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SUKHAL YADAV @ SUKHAL PRASAD YADAV S/O SHIV BANSI
YADAV R/O VILLAGE- MAHUAWA KATEGENWA PS. MAHUAWA
DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Chhauradano P.S. Case No.80 of 2023 instituted under Sections 30(a),41(i),32 of the Bihar Excise Act lodged on 30.03.2023 by the informant Gautam Adhikari.

As per the prosecution story, the police on the border intercepted two persons carrying the goods, while one managed to escape the other was apprehended and 85 liters of Nepali saufi liquor was recovered/seized. He confessed the name of the petitioner which resulted into implication.

It is the case of the petitioner that on confession his name has come which resulted into his custody since 05.05.2023 (para-13 of the petition), despite the fact that he do not have criminal antecedent.



Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner, he has not been apprehended from spot, do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chhauradano P.S. Case No.80 of 2023 to the satisfaction of learned Exclusive Special Excise Court No.2, East Champaran, Motihari, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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