

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56639 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- RAGHUNATHPUR District- Siwan

INDRAJEET YADAV SON OF RAJDHAN YADAV RESIDENT OF
VILLAGE- RAGHUNATHPUR, P.S.- RAGHUNATHPUR, DISTT.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard Mr. Vikash Kumar Jha, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner is in judicial custody in connection
with Raghunathpur P.S. Case No. 196 of 2022 registered under
Sections 30 (a) of the Bihar Prohibition and Excise Act lodged
on 24.08.2022 by the informant, Sunny Kumar.

As per the prosecution story, the police upon
information that liquor have been stored in a bush of the bridge
and they are trying to sell reached the place. The police tried to
intercept but they escaped and the locals/chowkidar gave the
name of the accused persons, petitioner being one of them.

It is the case of the petitioner that admittedly, the
recovery of 105 liters country-made 'mahua and 14 liters



foreign liquor have been recovered from the bushes, an open place, nothing has been recovered from his conscious possession for which he has suffered by being in custody since 18.05.2023 (as stated in paragraph-11 of the petition) though he concede that he has criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact the alleged recovery is from the bushes, in an open place and he is in custody since 18.05.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no. 2, Siwan in connection with Raghunathpur P.S. Case NO. 196 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her 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 his 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.

Before parting, this Court would like to put on record its word of appreciation for Mr. Vikash Kumar Jha, learned counsel for the petitioner for proper assistance in the matter.

(Rajiv Roy, J)

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