

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49945 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- WAJIRGANJ District- Gaya

UPENDRA KUMAR YADAV SON OF BABULAL RAMDHANI YADAV
RESIDENT OF VILLAGE - MODAN BIGHA, PS- FATEHPUR, DISTT-
GAYA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 No one appears on behalf of the petitioner although
learned counsel for the State is present.

The petitioner is in judicial custody in connection
with Wazirganj P.S. Case No. 226 of 2023 registered under
Sections 30 (a) of the Bihar Prohibition and Excise Amendment
Act lodged on 24.04.2023 by the informant, Goutam Kumar.

As per the prosecution story, an Alto Car was
intercepted and from a plastic bag, total 36 liters of whiskey
was/were recovered/seized.

According to the petition, the vehicle does not belong
to the petitioner and he was merely a passenger in it. He is in
custody since 25.04.2023 (as stated in paragraph-6 of the
petition) and he do not have criminal antecedent.



Considering the aforesaid facts as also the fact that the he 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 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. 1, Gaya in connection with Wazirganj P.S. Case No. 226 of 2023, 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.

(Rajiv Roy, J)

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