

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49128 of 2023**

Arising Out of PS. Case No.-364 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Raghuwar Yadav Son Of Late Sahdev Yadav Resident Of Village- Chakra, Ps-
Siwan Muffasil, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
27.06.2023, in connection with Siwan Muffasil P.S. Case No.
364 of 2023, F.I.R. dated 26.06.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Recovery is of 405 litres of illicit liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of suspicion. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather recovery has been
made from the car in question and the petitioner is neither the



owner nor the driver of the car in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the car in question and the petitioner is in custody since 27.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, 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 Exclusive Special Excise Court No. IInd, Siwan in connection with Siwan Muffasil P.S. Case No. 364 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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