

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51171 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- HASANPUR District- Samastipur

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Arun Yadav @ Arun Kumar Yadav Son Of Vimal Yadav @ Vimal Kumar
Yadav R/O-Shabhaypura @ Shobhepura (SHOBHAIPURA), P.S.-
HASANPUR, Distt.-SAMASTIPUR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, 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 Hasanpur P.S. Case No. 66 of 2022 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act lodged on 9.3.2022 by the informant, Pankaj Kumar.

As per the prosecution story, the police upon secret information intercepted a Bolero and a Alto and recovered/seized altogether 2126.360 liters of Indian Made Foreign Liquor. The apprehended persons named this petitioner as the person where it was to be delivered stating that he was one of the person who was escaped.

Learned counsel for the petitioner submits that he has



not been apprehended from the spot and other similar placed co-accused has been granted the privilege of bail by a coordinate bench of this Court in Cr. Misc. No. 41958 of 2022 (Annexure-2 of the petition).

Learned APP opposes the prayer but concedes that he has not been arrested from the spot.

Considering the fact that he has not been arrested from the spot, is in custody since 11.5.2023 (para-4 of the petition) and further some similar placed co-accused has been granted bail as stated above, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise-1st, Samastipur, in connection with Hasanpur P.S. Case No. 66 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 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 month for next one year to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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