

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51326 of 2023

Arising Out of PS. Case No.-513 Year-2023 Thana- KAHALGAON District- Bhagalpur

BINOD YADAV S/O JANARDHAN YADAV R/O VILLAGE- DAYALPUR,
PS. ANTICHAK, DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard Mr. Rajiv Ranjan Singh, learned counsel for
the petitioner and Mr. Sanjay Kumar Pandey, learned APP for
the State.

The petitioner is in judicial custody in connection
with Kahalgaon (Shivnarayanpur) P.S. Case No. 513 of 2023
registered under Section 30 (a) of the Bihar Prohibition and
Excise Act lodged on 05.05.2023 by the informant, Bablu
Kumar.

As per the prosecution story, the police intercepted a
motorcycle and recovered 50 liters country made liquor. Both
Sanjay Mandal and the petitioner herein were arrested and the
FIR.

It is the case of the petitioner that the motorcycle
belongs to co-accused, Sanjay Mandal, he was a pillion rider



and had little knowledge about the presence of the liquor in the plastic bag. He has suffered by being in custody since 06.05.2023 (as stated in paragraph-11 of the petition) and do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail stating that his connivance cannot be ignored.

Considering the submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and the motorcycle does not belong to him, 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 A.D.J.- 12 Bagalpur in connection with Khalgaon (Shivnarayanpur) P.S. Case No. 513 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)

Jagdish/-

U		T	
---	--	---	--

