

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51773 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- BIHPUR District- Bhagalpur

GAURAV KUMAR YADAV S/O NARESH PRASAD YADAV R/O
VILLAGE- NARAYANPUR, WARD NO. 02, PS. BIHPUR (BHAWANIPUR
O.P), DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bihpur (Bhawanipur O.P.) P.S. Case No.312 of 2023 instituted under Section 30(a) of Bihar Prohibition of Excise Act lodged on 24.05.2023 by the informant Ramesh Kumar Sah.

As per the prosecution story, the police during patrolling duty upon knowledge that this petitioner has kept heavy quantity of liquor in his field, the same was raided and 108.600 liters Indian made foreign liquor were recovered and seized. Accordingly, the FIR.

The petitioner's case is that it was an open field frequented by everyone, he was not arrested from the spot and further the police on imaginary ground took him in custody and is jail since 29.06.2023 (para-11 of the petition).



Learned APP opposes the prayer for bail stating that he has criminal antecedent of same nature.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that the recovery is from an open field and is in custody since 29.06.2023 this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bihpur (Bhawanipur O.P.) P.S. Case No.312 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-Ist, Bhagalpur, subject to 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 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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