

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51255 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- BIHARIGANJ District- Madhepura

PRITHVI YADAV Son of Late Bindeshwari Yadav Resident of village -
Tulsiya, ward no. 04, P.S. - Bihariganj, Distt. - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bihariganj P.S. Case No. 124 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and the Excise Act lodged on 28.5.2023 by the informant, Binod Kumar.

The prosecution story, in brief, is that the police on patrolling duty, upon information, raided the house of Prithvi Yadav (the petitioner) and behind his house 318 liters of foreign liquor was recovered/seized under the maize crop. Accordingly, the FIR.

Learned counsel for the petitioner submits that the recovery/seizure is from an open place frequented by everyone for which he cannot be held accountable as it has not been seized from his house and has remained in custody since 29.5.



2023.

Learned APP opposes the prayer for bail.

Considering the submission put forward by the learned counsel for the petitioner, the recovery/seizure is from behind the house and he do not have criminal antecedent, this Court is inclined to extend her 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 Additional Sessions Judge-7th cum Special Judge Excise-2, Madhepura, in connection with Bihariganj P.S. Case No. 124 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 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 her bail bond by the Trial Court itself;

(iii) 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;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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