

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52047 of 2023

Arising Out of PS. Case No.-14 Year-2000 Thana- GAYA MUFASIL District- Gaya

RAJU YADAV SON OF DULAR YADAV R/O-GAURA, P.S.-MUFASSIL,
DISTT.-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 13.07.2023 seeks
bail, in connection with Muffasil P.S. Case No. 14/2000, dated
30.01.2000, for the offence punishable under Section 47(A) of
Bihar Excise Act (Old Act).

3. According to prosecution case, 55 litres of Mahua
wine and 6 drums of Jawa Mahua are alleged to be recovered
from the orchard of the mango tree.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.



He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the mango orchard and the petitioner has no concern at all with the alleged recovery of illicit liquor. The case is of the year 2000 and cognizance has been taken against the petitioner on 16.03.2004. The petitioner is in custody since 13.07.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.1, Gaya in connection with Muffasil P.S. Case No. 14/2000 (G.R. No.229/2000), 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 witnesses, 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 antecedent, 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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