

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50728 of 2023

Arising Out of PS. Case No.-449 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

SHAILESH KUMAR YADAV S/O NAND LAL YADAV @ NAND LAL
R/O VILLAGE- TRILOKIPUR, P.S- MAYUR BIHAR PHASE I, DISTT.-
DELHI(EAST).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
30.06.2023, in connection with Mohania P.S. Case No. 449 of
2023, F.I.R. dated 29.06.2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

3. Recovery is of 443 litres of *illicit liquor*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather
recovery has been made from the pick-up van in question and the



petitioner is not owner of the vehicle in question. He further submits that he has no concern with the alleged recovery of illicit liquor and there is non compliance of Section 100 of the Cr. P.C. and the petitioner is in custody since 30.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise No. 1-cum-A.D.J. IVth, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 449 of 2023, 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 witness, 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 antecedents, 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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