

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53226 of 2023**

Arising Out of PS. Case No.-69 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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PRABHAKAR YADAV Son of Buchhan Yadav RESIDENT OF VILLAGE
USRI WARD NO 9 PS GOGRI DISTRICT KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 28.05.2023 seeks
bail, in connection with Excise Case No.69C3/2020, dated
21.03.2020, for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.
3. According to prosecution case, 314.07 litres of
foreign liquor is said to have been recovered from the
possession of the petitioner.
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 it appears
from the F.I.R. as well as seizure list that nothing has been



recovered from conscious possession of the petitioner rather the recovery has been made from the house of the petitioner and the petitioner was not present at the time of recovery. He further submits that there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 28.05.2023.

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 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act-2nd, Khagaria in connection with Excise Case No.69C3/2020, 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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