

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51980 of 2023

Arising Out of PS. Case No.-446 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Vijay Yadav @ Vijay Kumar Yadav S/O Shyamdev Yadav R/O Village-
Nenua, Ps. Navinagar, Dist. Aurangabad (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Aurangabad Town P.S. Case No.446 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 27.06.2023 by the informant Jagannath Thakur.

As per the prosecution story, the police upon information intercepted a motorcycle and found a carton loaded on it from which 16.875 liters of whiskey and 10 liters of Tuborg beer. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is not the owner of the motorcycle and further has been implicated despite the fact that he do not have criminal antecedent.

Learned APP on the other hand submits that he has



been apprehended with carton containing the liquor.

Taking into account the fact that he has remained in custody since 28.06.2023 (para-14 of the petition), do not have criminal antecedent, FIR lodged ultimately will have to face the trial, 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 Aurangabad Town P.S. Case No.446 of 2023 to the satisfaction of learned Special Judge, Excise, I, Aurangabad (Bihar), 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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