

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53801 of 2023**

Arising Out of PS. Case No.-168 Year-2019 Thana- WAJIRGANJ District- Gaya

Murari Yadav S/o- Suresh Yadav Village- Kanaudih Ps- Wazirganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Pandey, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Wazirganj P.S. Case No. 168 of 2019, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, total 22 liters of country-made liquor has been recovered in a plastic *dubba*.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged recovery of liquor is said to have been made from the *bhatthi* of other co-accused to whom the petitioner has no concern. He also submits that there is no material on record which shows that the said *bhatthi*



belongs to the petitioner. As such no case is made out against the petitioner under the Excise Act. He further submits that nothing has been recovered from the conscious possession of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one other case, in which he is on bail.

7. However, the Ld. APP for the State has vehemently opposed the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Exclusive special Court No. 01, District- Gaya, in connection with Wazirganj P.S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., on the



following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

9. Ld. counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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