

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51999 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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PRAMOD YADAV @ PRAMOD KUMAR YADAV Son of Chathu Yadav
RESIDENT OF VILLAGE BHAGWATIPUR P.S PANDAUL DISTRICT
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, 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 Bhairvasthan P.S. Case No. 183 of 2022 for the offence punishable under Sections 420, 467, 468, 471/34 of the I.P.C. and section 30(a)/32/36/41 of the Bihar Prohibition and Excise Act lodged on 1.10.2022 by the informant, Rupak Kumar Ambuj.

As per the prosecution story, the informant along with his associates was on patrolling duty and got information about movement of a truck reached the place of occurrence and found 12 wheeler truck in high speed. The truck was taken into custody and the accused was also arrested. Thereafter, the truck was searched and total 1548 liters of foreign liquor was



recovered/seized.

Learned counsel for the petitioner submits that he has not been arrested by the police though his name has come on the confession of co-accused Shivam Thakur for his involvement in the business of liquor. He further submits that the petitioner is in custody since 23.6.2023 (para-11 of the petition)

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact that he has not been arrested from the spot and he has been named by the co-accused Shivam Thakur and is in custody since 23.6.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani, in connection with Bhairvasthan P.S. Case No. 183 of 2022 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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