

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51762 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- NAUTAN District- West Champaran

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MUKESH YADAV S/o- SIPAHI YADAV Village- Maruahan Ps- Nautan Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shabina Talaq, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard Ms. Shabina Talaq, learned Counsel for the

petitioner and Mr. Kumar Veerendra Narayan, learned APP for

the State.

The petitioner is an accused in connection with
Nautan P.S. Case No. 404 of 2022 registered for the offences
under section 414 of the Indian Penal Code and section 30(a) of
the Bihar Prohibition and Excise Act lodged on 26.07.2022 by
the informant, Anil Jha.

As per the prosecution story, the police intercepted a
motorcycle but the accused escaped after leaving the motorcycle
and from the bag, 155.130 litres foreign liquor was
recovered/seized, the '*chaukidar*' named the petitioner.
Accordingly, the FIR.

It is the case of the petitioner that due to enmity, the



‘*chaukidar*’ has named him, the motorcycle does not belong to him and as such, he has been implicated in this case only because of criminal antecedent, is in custody since 14.03.2023 (as stated in paragraph 14 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that recovery is of 155.130 litres foreign liquor.

Taking into account the fact that the motorcycle does not belong to him, he has not been apprehended from the spot and is in custody since 14.03.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 404 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 month for next one year 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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