

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51294 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- SAHPUR District- Bhojpur

SAROJ YADAV @ SONU KUMAR YADAV @ MODI S/O SRI PARAS
YADAV R/O VILLAGE- PURUSOTAMPUR, PS. SAHPUR, DIST.
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Shahpur (Bahoranpur) P.S. Case No.272 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section 25(1-b)a/26/35 of the Arms Act lodged on 18.06.2023 by the informant Abhay Shankar Singh.

As per the prosecution story, two motorcycles which were coming were intercepted. While one escaped, the other apprehended and from search of the sack 70.2 liters of foreign liquor was/were recovered/seized. He gave the names of the accused persons who served as liner, petitioner being one of them.

It is the case of the petitioner that he has not been



apprehended from the spot and the Rahul who was arrested gave his name which has resulted into his being jail since 26.06.2023 (para-17 of the petition).

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

Considering that he has not been arrested from the spot, alleged recovery of 70.2 liters is from Rahul, has remained in custody since 26.06.2023, 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 Shahpur (Bahoranpur) P.S. Case No.272 of 2023 to the satisfaction of learned Exclusive Special Excise Court, II, Bhojpur, Ara, 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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