

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52473 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- GOGRI District- Khagaria

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DHANANJAY YADAV S/O INDO YADAV @ INDU YADAV R/O
VILLAGE- SHISHWA, P.S- GOGRI, DISTT.- KHAGARIA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023

Heard the parties.

The petitioner is in judicial custody in connection with Gogri P.S. Case No. 130 of 2021 for the offence punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act lodged on 24.3.2021 by the informant, Sarat Kumar.

As per the prosecution story, the police upon information, raided the 'Basa' of one Krishna Kumar and recovered/seized 104.475 liters of foreign liquor from the motorcycle. Further, he gave the names of two other accused persons who escaped, the petitioner being one of them.

It is the case of the petitioner that admittedly the recovery is from 'Basa' of Krishna Kumar, he has unnecessarily been implicated, for which he has already suffered by being in



custody since 8.6.2023 (para-10 of the petition) only because he has criminal antecedent.

Learned APP opposes the prayer.

Considering the aforesaid facts that the recovery/seizure is from the 'Basa' of Krishna Kumar and is in custody since 8.6.2023, 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 1st, Khagaria, in connection with Gogri P.S. Case No. 130 of 2021 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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