

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53778 of 2023

Arising Out of PS. Case No.-14 Year-2000 Thana- GAYA MUFASIL District- Gaya

1. DEVI YADAV @ DENI YADAV SON OF LATE BAKHORI YADAV
RESIDENT OF VILLAGE- GAURA, PS- MUFFASIL, DISTT- GAYA
2. LALAN YADAV SON OF RAM SWARUP YADAV RESIDENT OF
VILLAGE- GAURA, PS- MUFFASIL, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioners are in custody since 20.06.2023 in connection with Muffasil P.S. Case No. 14 of 2000 for the offence punishable under Sections 47 (A) of Bihar Excise Act, lodged on 30.01.2000 by the informant, Rambali Rajak.

As per the prosecution story, the police on information of manufacturing of illegal wine in an ‘orchard’ reached there. The accused persons successfully escaped and 55 ‘mahua’ liquor and 6 drums of Java ‘mahua’ recovered/seized. This led to FIR.



Learned counsel for the petitioner submits that there has been delayed judicial custody of this petitioner, the same being two decades ago, he has already suffered by being in custody since 30.06.2023 (as stated in paragraph-13 of the petition) and one of the similar placed accused has recently been granted bail in Cr. Misc. No. 52047 of 2023 vide order dated 18.08.2023 (Raju Yadav).

Learned APP opposes the prayer stating that he has chosen to walk in judicial custody after a decade.

Considering the facts on record and the submissions put forward by the learned counsel for the petitioner as also that similar placed co-accused has recently been granted bail, 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 Chief Judicial Magistrate, Gaya, in connection with Muffasil P.S. Case No. 14 of 2000 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.

Jagdish/-

(Rajiv Roy, J)

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