

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53515 of 2023

Arising Out of PS. Case No.-259 Year-2021 Thana- NAUTAN District- West Champaran

MUKESH YADAV SON OF SIPAHI YADAV RESIDENT OF VILLAGE-
MADUWAHA, PS- NAUTAN, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rabia Gulnaz, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard Ms. Rabia Gulnaz, learned counsel for the
petitioner and learned APP for the State.

The petitioner is in judicial custody in connection with Nautan P.S. Case No.259 of 2021 instituted under Section 30(a) of Bihar Prohibition & Excise Act lodged on 17.07.2021 by the informant Manish Kumar Sharma.

As per the prosecution story, the police intercepted a motorcycle and recovered 69.120 liter foreign liquor, FIR lodged. Accordingly, the FIR.

It is the case of the petitioner that he does not own the motorcycle, was a pillion driver and only because he has criminal antecedent, was taken into custody, is in jail since 17.03.2023 (para-12 of the petition).

Learned APP opposes the prayer for bail.

Considering the fact that he does not own the vehicle



and is in custody since 17.03.2023, FIR lodged and ultimately he will have to face the trial, 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 Nautan P.S. Case No.259 of 2021 to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, 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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