

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54170 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- YADOPUR District- Gopalganj

1. Dhurendra Yadav S/O Nathu Yadav Resident Of Village- Dhobighatwa, P.S. Barawapatti, District- Kushi Nagar
2. Dilip Kumar Yadav S/O Harendra Yadav Resident Of Village- Bariyarpur, P.S.- Jagopatti, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 04.07.2023, in connection with Jadopur P.S. Case No. 161 of 2023, F.I.R. dated 03.07.2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 270 litres of *foreign liquor*.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating articles/illicit liquor have been recovered from the possession of



the petitioners rather recovery has been made from the Tractor in question and the petitioner no. 1 was apprehended at the place of occurrence and on the basis of disclosure made by other co-accused person, petitioner no. 2 has been implicated in the present case. He further submits that the petitioners have no concern at all with the alleged recovery of illicit liquor or the Tractor in question and the petitioners are in custody since 04.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioners and having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise-I, Gopalganj in connection with Jadopur P.S. Case No. 161 of 2023, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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