

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53593 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- MIRGANJ District- Gopalganj

NANDKISHORE YADAV son of Chhabila Yadav Village- Pachalakhi Po-
Pachalakhi Ps- Nautan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.07.2023, in connection with Mirganj P.S. Case No. 205 of 2023, F.I.R. dated 05.06.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amended Act, 2018.

3. Recovery is of 707.280 litres of country made as well as foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused



person namely Sonu Kumar Chauhan. He further submits that the petitioner has no concern at all with alleged recovery of illicit liquor or the co-accused person and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.. He further submits that the owner of the vehicle in question is one Sanjay Prasad, Jharkhand and the petitioner is in custody since 24.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition, the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Exclusive Special Excise Judge-02, Gopalganj in connection with Mirganj P.S. Case No. 205 of 2023, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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