

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53652 of 2023

Arising Out of PS. Case No.-479 Year-2023 Thana- KATIHAR NAGAR District- Katihar

CHHOTU KUMAR YADAV S/O SAGAR YADAV R/O VILLAGE-
BABUPUR, PS. MANIHARI, DISTT. KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is in custody in connection with Nagar Sahayak P.S. Case No. 479 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Act 2018 lodged on 25.06.2023 by the informant, Rupak Ranjan Singh.

As per the prosecution story, the Police intercepted a motorcycle and a tempo and recovered altogether 82.075 liters of foreign liquor. While one person escaped, the petitioner was apprehended. Accordingly, the FIR.

Learned counsel for the petitioner submits that the petitioner was moving on the motorcycle from which only 8.700 liters wine was recovered while the rest were recovered from the tempo for which he has already suffered by being in custody since 26.06.2023 (as stated in paragraph 14 of the petition) and



he do not have criminal antecedent.

Learned APP opposes the prayer for bail stating that there is recovery from the motorcycle.

Considering the aforesaid submissions and the period of custody i.e. 26.06.2023, he do not have criminal antecedent, will be facing the trial, 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) each with two sureties of like amount each to the satisfaction of learned Court of Additional District and Sessions Judge Exclusive Excise Court No.-2, Katihar, in connection with Nagar Sahayak P.S. Case No. 479 of 2023 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/her 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 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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