

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56398 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- ARER District- Madhubani

=====

RAUSHAN KUMAR YADAV SON OF DHANESHWAR YADAV
RESIDENT OF VILLAGE- CHILARA, PS- SONBARSA, DIST-
SITAMARHI BORHAR, PS- KHIRHAR, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with G.R. No. 950 of 2023 arising out of Arer P.S. Case No. 87 of 2023 for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 17.6.2023 by the informant, Prem Lal Paswan.

As per the prosecution story, the truck was intercepted and 369 liters of Nepali wine was recovered/seized, while the driver escaped, the cleaner (petitioner) apprehended.

It is the case of the petitioner that he being the cleaner, a poor person, had not knowledge of the presence of the liquor in the truck, has already suffered by being in custody



since 18.6.2023 (para-13 of the petition) and his absence has put the family on the verge of starvation.

Learned APP opposes the prayer for bail.

Considering t the aforesaid submission put forward by the learned counsel for the petitioner, his period of custody as also that he do not have criminal antecedent, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with G.R. No. 950 of 2023 arising out of Arer P.S. Case No. 87 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 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.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

