

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53972 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- AKBARPUR District- Nawada

Navin Yadav, Son of Vijay Yadav Resident of Village - Bandarkole Kundipur,
P.S.- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 2 19-08-2023 Heard the Ld. counsel for the petitioner and the State.
2. The petitioner seeks bail, apprehending his arrest, in connection with Akbarpur P.S. Case No. 08 of 2023, registered for the offences punishable under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act, 2016.
3. As per allegation, a total of 143 liters of country-made liquor has been recovered.
4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged contraband has been recovered from an open field, far away from the house of the petitioner with which the petitioner has no connection at all and there is no legal basis to implicate the petitioner in this case.



5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. However, the Ld. APP for the State has opposed the prayer for bail.

8. In view of the aforesaid facts and circumstances no case *prima facie* is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Judge-1st, Nawada, in connection with Akbarpur P.S. Case No. 08 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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