

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58200 of 2023

Arising Out of PS. Case No.-553 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

DHARMENDRA YADAV S/O RAMESHWAR YADAV @ RAMISHWAR
YADAV R/O VILLAGE- BAKRI, PS. UDWANT NAGAR, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 27.11.2022 seeks
bail, in connection with Udwant Nagar P.S. Case No.553/2022,
dated 27.11.2022, for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act, 2018.

3. According to prosecution case, total 72 litres of
Mahua wine is said to have been recovered from the straw
house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from perusal of the F.I.R. as well as seizure
list, it appears that total 72 litres of Mahua liquor has been
recovered from the straw house of the petitioner and there is



non-compliance of Section 100 Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one but fairly submits that the pending case instituted after filing of the present case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Excise Court No.II, Bhojpur, Ara in connection with Udwant Nagar P.S. Case No.553/2022, 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 witnesses, 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 antecedent, 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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