

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54586 of 2023**

Arising Out of PS. Case No.-556 Year-2019 Thana- MAJHAULIA District- West Champaran

KRISHNA YADAV S/O HARI YADAV R/O VILLAGE- BHARGAWA, PS.
SUGAULI, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in custody in connection with Majhauilya P.S. Case No. 556 of 2019 for the offence under sections 414, 413, 420, 468, 467, 353, 34 of the Indian Penal Code and section 30(a) Bihar Prohibition and Excise Act lodged on 29.10.2019 by the informant, Krishna Murari Gupta.

As per the prosecution story, the Police tried to intercept Alto car and pick-up van, though Alto disappeared the pick-up van was intercepted. The driver fled away. Upon search, 158.176 liters of whisky was/were recovered and subsequently, the spy gave the name of the accused persons which included the petitioner. Accordingly, he came in judicial custody on 03.06.2023 (as stated in paragraph 11 of the petition).



Learned counsel for the petitioner submits that neither he has anything to do with the pick-up van nor was arrested from the spot and only on the basis of a spy, the story created implicating him in this case as he has criminal antecedent of the same nature.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner, he does not own the pick-up van from which the alleged recovery has been made, has remained in custody since 03.06.2023, 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 Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Majhauriya P.S. Case No. 556 of 2019 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 month for one year 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)

kiran/-

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

