

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57047 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- PIRBAHOR District- Patna

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BABLU YADAV @ BABLU KUMAR SON OF LATE TIMAL YADAV
RESIDENT OF VILLAGE - NAYA GAW, MUSALLAPUR, P.S. -
PIRBAHORE, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and Mr.
Tapeswar Sharma, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Pirbahore P.S. Case No. 633 of 2022 registered for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 1200 liters of country made liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that on bare
perusal of the F.I.R., it appears that nothing incriminating
has been recovered from the conscious possession of the
petitioner rather the recovery has been made from the



house of the petitioner which is a joint property of the petitioner as he is not the absolute owner of the house in question. The petitioner has no concern at all with the alleged recovery. He further submits that petitioner was not arrested from the spot. The petitioner is rotting in judicial custody since 07.07.2023.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Exclusive Special Court, Excise at Patna Sadar in connection with Pirbahore P.S. Case No. 633 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled 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.

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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