

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56456 of 2023

Arising Out of PS. Case No.-728 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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RAM PRAKASH YADAV S/O BACHCHA PRASAD YADAV @
BACHCHA PRASAD @ BACHCHA YADAV R/O VILLAGE-
BHARPURA, WARD NO. 13, PS. SONPUR, DIST. SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Excise P.S. Case No. 728 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 16.07.2023 by the informant, Yashwant Parel.

As per the prosecution story, the police intercepted a car, the occupant tried to escape and in the process, the car fall in the ditch. The police managed to recover the car from the ditch and upon search, 78 liters beer has been recovered/seized.

It is a case of the petitioner that the car does not belong to him, has already suffered by being in custody since 17.07.2023 (as stated in paragraph-9 of the petition).



Learned APP for the State opposes the prayer for bail stating that they were apprehended and in fact, the police saved them as they have raced, the car fall towards the ditch.

Considering the facts on record, the submissions put forward by the learned counsel for the petitioner as also that the petitioner does not own the car, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court – II, Siwan in connection with Excise P.S. Case No. 728 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/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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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