

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55852 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- PHULWARIYA District- Gopalganj

AJAY YADAV SON OF GARJU YADAV RESIDENT OF VILLAGE-
MADARWANI, PS- PHULWARIYA, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Phulwariya P.S. Case No. 248/2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 15.07.2023 by the informant, Prince Kumar.

As per the prosecution story, the allegation is that the motorcycle was intercepted and 37 liters country-made liquor was recovered. Accordingly, the FIR.

It is the case of the petitioner that the police has implicated only because he has criminal antecedent and he has suffered by being in custody since 27.07.2023 (as stated in paragraph-11 of the petition).



Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the submissions put forward by the learned counsel for the petitioner and he is in custody since 27.07.2023, 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 Additional Sessions Judge-II cum Spl Judge, Excise -I, Gopalganj in connection with Phulwaria P.S. Case No. 248 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 month for next 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 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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