

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56009 of 2023

Arising Out of PS. Case No.-279 Year-2023 Thana- MIRGANJ District- Gopalganj

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ARUN YADAV SON OF SUBHASH YADAV RESIDENT OF VILLAGE-
KHUSIYAL CHAPAR, PS- MIRGANJ, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Mirganj P.S. Case No. 279 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 20.7.2023 by the informant, Anil Kumar.

As per the prosecution story, the police intercepted a motorcycle and 31.400 country made liquor was recovered/seized and the accused-petitioner arrested. Another Scorpio was intercepted and 120.0445 liters of foreign as well as country made liquor was recovered and three accused were arrested. Accordingly, the FIR.

It is the case of the petitioner that his case is related to the recovery of 31.400 liters of country made liquor from the motorcycle which has not been recovered from his conscious



possession and the police to implicate him has made false narration. Further, he is in custody since 22.7.2023 (para-10 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the fact that the recovery is from a bag, FIR lodged, he will be facing the trial, is in custody since 22.7.2023, 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) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum Exclusive Special Excise Court-II, Gopalganj, in connection with Mirganj P.S. Case No. 279 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 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 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 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)

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