

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60057 of 2023

Arising Out of PS. Case No.-93 Year-2021 Thana- GOVINDPUR District- Nawada

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BHOLI YADAV SON OF BRAHMDEO YADAV RESIDENT OF VILLAGE
- GOPALPUR DIBOUR, POLICE STATION - RAJAULI, DISTRICT -
NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Govindpur P.S. Case No. 93 of 2021 for the offence punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act lodged on 16.4.2021 by the informant, Ramashankar Dubey.

3. As per the prosecution story, the allegation is that a truck coming from Jharkhand was intercepted at Govindpur checking point and 6580.08 liters of Indian Made Foreign Liquor was recovered/seized. This followed the FIR.

4. Learned counsel for the petitioner submits that he is neither the driver nor the owner nor even the cleaner and he has been implicated by the police alleging that he was a liner. He



has already suffered by being in custody since 7.7.2023 (para-11 of the petition) and similar placed co-accused Sanjay Yadav and driver Bajrangi Yadav as also Annu Kumar have been released on bail in Cr. Misc. No. 61247 of 2022 and in Cr. Misc. No. 7409 of 2023 as well as in Cr. Misc. No. 44435 of 2022 respectively and as such irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 25000/- to the Chief Minister Relief Fund, Bihar, Patna.

5. Learned APP opposes the prayer stating that he was caught at the spot.

6. Taking into account the submission put forward by the learned counsel for the petitioner and the State as also the material on record and some of the co-accused have since been granted bail, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 25000/- to the Chief Minister Relief Fund, Bihar, Patna with conditions.

6. 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 Exclusive Special Excise Judge-I, Nawada, in connection with Govindpur P.S. Case No. 93 of 2021 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 fortnight for next six months 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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