

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57698 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- NARAINPUR District- Bhojpur

SHANKAR YADAV S/O LATE MOHAN YADAV R/O VILLAGE-
EKWARI, P.S- SAHAR, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023

Heard the parties.

The petitioner is in custody in connection with Narayanpur P.S. Case No. 73 of 2023 for the offence under sections 30 (a) of the Bihar Prohibition Excise (Amendment) Act, 2018 of the Indian Penal Code lodged on 24.07.2023 by the informant, Arwind Kumar.

As per the prosecution story, the Police intercepted a motorcycle, a large bag was on the back of the person riding it from which 40 liters and 20 liters of country made 'mahua' liquor totalling 60 liters were recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that during the day, he was going for work, the Police intercepted, there was an altercation with them which followed the alleged seizure and



even during the day time, they failed to get any independent witness. This shows the falsity of the FIR.

The further submission is that he is in custody since 24.07.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail stating that the same has been recovered from his possession.

Taking into account the fact that the FIR has been lodged, has remained in custody since 24.07.2023, will be diligently appearing in trial, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhojpur, Ara, in connection with Narayanpur P.S. Case No. 73 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



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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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