

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59357 of 2023

Arising Out of PS. Case No.-391 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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RAMESH YADAV S/O LATE MULCHAND YADAV R/O VILLAGE-
VISHUNPURA @ RAGHWARGANJ, PS. MUHAMADABAD, DIST.
GAZIPUR @ GHAZIPUR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Adv

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.R. (P.R. Case) Case No. 391 of 2023 registered on
14.06.2023 lodged under Sections 30(a), 56(b) of the Bihar
Prohibition and Excise Act (Amendment), 2018. I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against the petitioner. Recovery of 168 litre of illicit liquor is the
subject matter of the present case.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is in custody since 15.06.2023 having clean antecedent. He
further submits that the said recovery is made from Scorpio



Vehicle which was alleged to be driven the petitioner. Moreover, the petitioner is the resident of Uttar Pradesh and is completely ignorant about fact that Excise is strictly prohibited in Bihar. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned counsel for the State opposes the prayer for bail and submits that liquor has been recovered from the possession of the petitioner but his antecedent is clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise No.-2cum-ADJ-VII, Kaimur at Bhabua in connection with Excise P.R. (P.R. Case) Case No. 391 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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