

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60191 of 2023

Arising Out of PS. Case No.-84 Year-2010 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Arvind Yadav Son Of Garib Das Resident Of Village- Sabhari, Mutanaze,
Orhanpur, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kriti Suman, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Ms. Kriti Suman, learned counsel for the

petitioner and Ms. Pushpa Sinha, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with G.O Case No. 84 of 2010, F.I.R. dated
24.09.2010 for the offences punishable under Sections 47(a) of
Bihar & Orrisa Excise Act, 1915.

3. Recovery is of 50 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. She further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offences as alleged in the



F.I.R. She further submits that as per the allegation alleged in the F.I.R, altogether 50 liters of country made liquor has been recovered from the shop of the petitioner. She further submits that it appears that no case is made out against the petitioner because nothing has been recovered from the conscious possession of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with G.O. Case No. 84 of 2010, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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