

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61768 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Bijay Yadav Son Of Basudev Yadav Resident Of Nidhi Chowk, Gangasagar,
Bhavara, Ps- Madhubani Town, Dist- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.07.2023 in connection with Madhubani Town P.S. Case No.
176 of 2023, F.I.R. dated 02.06.2023 for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, there is recovery of
120 liters of illicit liquor from a tempo and the petitioner is said
to have fled away from the place of occurrence. Accordingly,
the FIR.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that nothing
has been recovered from the conscious possession of the



petitioner and from perusal of the FIR and seizure list that 120 liters & 900 ML of illicit liquor was recovered from the tempo in question and petitioner was not apprehended from the tempo and the owner of the tempo is one Vijay Roy. He further submits that there is non compliance of Section 100 of the Cr.P.C. He further submits that similarly situated, co-accused, namely, Vijoy Roy @ Vijay Ray has been granted bail by a co-ordinate Bench of this Court vide order dated 15.09.2023 passed in Cr. Misc. No. 61643 of 2023. The petitioner is in custody since 25.07.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Additional Sessions Judge, Ind.-cum-Special Judge, Excise Act, Madhubani in connection with Madhubani Town P.S. Case No. 176 of 2023, subject to the 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)

Prakash Narayan

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