

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61594 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- KHIRHAR District- Madhubani

Rishikesh Yadav @ Rishikesh Kumar Son Of Umesh Yadav Village- Raima,
Ward No 11, Ps- Sursand Ghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.08.2023 in connection with Khirhar P.S. Case No. 66 of
2023, F.I.R. dated 06.08.2023 for the offences punishable under
Sections 272, 273 and 414 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 153 liters of Nepali liquor.

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 it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather
the recovery has been made from the motorcycle in question and



altogether 153 liters of Nepali liquor was recovered from the motorcycle in question. He further submits that the petitioner is not the owner of the motorcycle and there is non-compliance of Section 100 of Cr.P.C. The petitioner is in custody since 07.08.2023.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 II cum Special Judge, Excise Act, Madhubani in connection with Khirhar P.S. Case No. 66 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)

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