

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62013 of 2023**

Arising Out of PS. Case No.-220 Year-2023 Thana- ATHMALGOLA District- Patna

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KHESARI LAL YADAV @ KHESARI RAI S/O PAVITRA RAI RESIDENT
OF NAYATOLA, SABNIMA, PS. ATHMALGOLA, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
27.07.2023 in connection with Athmalgola P.S. Case No. 220 of
2023, F.I.R. dated 26.07.2023 for the offences punishable under
Section 30(a) of the Bihar Excise and Prohibition Act, 2018.

3. Total recovery is of 83.935 liters from the house of
the petitioner.

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 as per the
allegation in the FIR that altogether 83.935 liters of illegal
English wine has been recovered from the house of the
petitioner. Learned counsel for the petitioner submits that the



petitioner is not the owner of the house in question and the house in question is the joint house property of the petitioner and other persons and there is none compliance of Section 100 of the Cr.P.C and the petitioner is in custody since 27.07.2023.

5. The learned Additional Public Prosecutor for the State 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 Special Judge, Excise Barh in connection with Athmalgola P.S. Case No. 220 of 2023, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

Adnan/-

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