

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62260 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- GUTHANI District- Siwan

Rajesh Kumar @ Rajesh Kumar Yadav Son Of Mahesh Ray Resident Of
Village - Paharchak Birji, P.S Motipur District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.08.2023 in connection with Guthni P.S.Case No. 225 of
2023, F.I.R. dated 17.08.2023 registered for the offence
punishable under Section 414 of IPC and Section 30(a) of
Bihar Prohibition and Excise Act.

3. Recovery is of 63 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR as well as the seizure list that
altogether 63 liters of foreign liquor has been recovered from
the vehicle in question and the petitioner is driver of the vehicle



in question and he has no concern at all with the alleged recovery of illicit liquor and the owner of the vehicle in question is one Aanjesh Kushwaha and there is non-compliance of Section 100 of Cr.P.C. and the petitioner is in custody since 17.08.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned Exclusive Special Excise Court No.-1, Siwan in connection with Guthni P.S.Case No. 225 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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