

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62319 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- Excise P.S. District- Siwan

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ABHISHEK YADAV Son of Late Bhim Yadav @ Bhimkeshari Yadav R/o
Village-Hathauji, P.S.-Nautan, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh,Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

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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
16.08.2023 in connection with Excise P.S.Case No. 570 of
2023, F.I.R. dated 04.06.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Recovery is of 990 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case on the basis of the disclosure made by the
apprehended co-accused persons, namely, Rahul Kumar Yadav
and Sonu Kumar. Further submits that from a bare perusal of the
FIR that no incriminating article has been recovered from



conscious possession or the house of the petitioner and the vehicle in question does not belong to the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor or the other co-accused persons and the petitioner is in custody since 16.08.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one of the similar nature.

6. Considering the aforesaid fact, no incriminating article has been recovered from conscious possession or the house of the petitioner, 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 Judge, Court No.-II, Siwan in connection with Excise P.S.Case No. 570 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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