

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68586 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- RAFIGANJ District- Aurangabad

AKASH KUMAR SON OF UMESH YADAV RESIDENT OF VILLAGE-
DHARHARA, PS- RAFIGANJ, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Adv
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rafiganj P.S. Case No. 314 of 2023 registered on 22.07.2023
lodged under Sections 30(a) of the Bihar Prohibition and Excise
Act (Amendment), 2018.

3. As per the prosecution case, F.I.R. has been lodged
against one named accused person from whose possession 50
litre of country made liquor has been recovered which is the
subject matter of this case.

4. Counsel for the petitioner submits that the alleged
recovery is from the motorcycle. He further submits that
petitioner is in custody since 23.07.2023 having clean
antecedent. Counsel further submits that under conspiracy, the



petitioner has been implicated in this case.

5. Learned counsel for the State opposes the prayer for bail but admits that antecedent of the petitioner is clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 314 of 2023 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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