

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70683 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- GOPALPUR District- Gopalganj

Mukul Yadav, S/O Haresh Yadav R/O Vill-Bhagwan Tola, P.S. -Uchakagaon,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 190 of 2022, lodged on 11.09.2022
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per the prosecution case, the FIR has been
lodged against 5 named accused persons including the present
petitioner and total 636.240 litres of illicit country made and
foreign liquor has been recovered which is the subject matter of
the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that the petitioner has not been apprehended from the



place of occurrence rather his name has come in this case by virtue of the persons who has apprehended from the place of occurrence. Counsel further submits that the only thing which is against the petitioner is that there are 5 criminal antecedents against him and it is due to this reason in the present case also his name has been figured at the instance of police.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 26.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the petitioner was not apprehended from the place of occurrence. Counsel also submits that the petitioner has five criminal antecedents which are pending against him and out of all five, 4 cases are related to the excise matter.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Gopalpur P.S. Case No. 190 of 2022, subject to the



conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(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.

(Dr. Anshuman, J.)

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