

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66118 of 2022

Arising Out of PS. Case No.-631 Year-2022 Thana- MAJHAULIA District- West Champaran

Rambabu Yadav, aged about 30 yrs, male, Son of Bhagwat Yadav R/o
Ahwarshekh, Ward No. 3, P.S- Majhauriya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Majhauriya
PS Case No. 631 of 2022 dated 25-08-2022 registered for the offence
punishable under Section 30(a) (d) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation in the First Information Report (*for
brevity FIR*) total 24.300 liters illicit foreign liquor has been
recovered from a motorcycle.

Learned counsel for the petitioner submits that it has
falsely been stated in the First Information Report (*for brevity FIR*)
that he was on the motorcycle in-question as he has no concern with
the alleged motorcycle. He has been implicated due to his four
antecedents. Recovery is denied and disputed and is not in
accordance with law. It is submitted that investigation is complete.

The petitioner is in custody since 26-08-2022.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, manner of petitioner's implication, quantum of recovery, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Majhauriya PS Case No. 631 of 2022 dated 25-08-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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