

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68594 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Bimlesh Yadav @ Vimlesh Yadav S/O- Mannu Yadav Village Majhigawan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, 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 Chainpur P.S. Case No. 313 of 2022 dated 01.12.2022, lodged under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 read with Section ¾ of the Bihar *Mahua* Flower Act.

3. As per the prosecution case, the total recovery of 1230 litre *desi mahua* wine and 3000 litre *mahua java* (destroyed) have been made, 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. Counsel submits that the petitioner is in custody since 04.09.2023.

Counsel submits that there are two criminal cases pending against the petitioner in which he is on bail. Counsel further submits that there are two named accused persons to whom, bail has been granted by the Co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 8878 of 2023.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that from the contents of the F.I.R., it is crystal clear that all the three persons are named in the F.I.R. including the present petitioner. Counsel also submits that it is true that the other two co-accused persons have been granted bail but it is also true that they were in custody since 02.12.2022 and after about six months, they have been granted bail on 03.05.2023, whereas the petitioner has not completed that period of custody.

6. 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 Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise No. 1, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 313 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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.

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

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--