

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68131 of 2023**

Arising Out of PS. Case No.-499 Year-2021 Thana- GOPALPUR District- Bhagalpur

DILIP KUMAR YADAV @ DILIP RAY Son of Radheshyam @ Radheshyam
Prasad Yadav R/o vill - Kouta Kirani Tola, P.S. - Dalsinghsarai, Distt. -
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
P.S. Case No. 499 of 2021 registered on 30.10.2021 lodged
under Sections 30(a) of the Bihar Prohibition and Excise Act
(Amendment), 2018.

3. As per the prosecution case total recovery of
1100.625 Litre of wine is the subject matter of the present case.

4. Counsel for the petitioner submits that petitioner
has not been apprehended from the place of occurrence rather he
is the owner of the vehicle from which recovery has been made
and driver and khallasi were apprehended from the place of
occurrence. Counsel submits that the name of the petitioner has



come from the confessional statement of the accused persons who were apprehended from the place of occurrence.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 17.08.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that the petitioner is the owner of the vehicle and without his instruction it is not possible to conduct any illegal work by the staff.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and 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 Court-1, Bhagalpur in connection with P.S. Case No. 499 of 2021 subject to the following conditions and 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.

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

(Dr. Anshuman, J)

Sunnykr/-

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

