

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69198 of 2023**

Arising Out of PS. Case No.-367 Year-2023 Thana- Excise P.S. District- Samastipur

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YASH RAJ @ YASH KUMAR SON OF RAKESH CHAUDHARY @
RAKESH JAISWAL RESIDENT OF VILLAGE - WARISNAGAR
(RAMPUR), WARD NO.2, POLICE STATION - WARISNAGAR,
DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioner is in judicial custody in connection
with Excise Sadar P.S. Case No. 367 of 2023 registered under
Section 30 (a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018 lodged on 27.06.2023 by the informant, Rita Kumari.

As per the prosecution story, the police on secret
information about the presence of illicit liquor intercepted a
godown and finally recovered/seized 124.500 liters foreign
liquor near the said godown. The Chowkidar identified the
persons escaping as the petitioner. Accordingly, the FIR

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of



the petitioner, the godown does not belong to him and due to enmity, Chowkidar has named him only because he has criminal antecedent

Considering the aforesaid submission put forward by the parties as also that the recovery is outside the godown, nothing has been recovered from his conscious possession and has remained in custody since 11.09.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-02, Samastipur in connection with Excise Sadar P.S. Case No. 367 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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