

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69151 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- RAHIKA District- Madhubani

MUKESH KUMAR YADAV Son of Suresh Yadav R/o vill - Jagat Navtoli,
P.S. - Rahika, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard the parties.

The petitioners is an accused in connection with Rahika P.S. Case No. 194 of 2023 registered for the offences under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 31.08.2023 by the informant, Rahul Kumar.

As per the prosecution story, the allegation is that upon information that wine is being unloaded from a ‘*Bolero*’ vehicle, the police reached there, two persons tried to escape but were apprehended, petitioner being one of them. Upon search, 225 litres of liquor recovered from the vehicle and they were arrested. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the ‘*Bolero*’ belongs to the father of Kamlesh Yadav, he has nothing to do with it, only being friend of Kamlesh Yadav was present



there, has been arrested and do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that the '*Bolero*' belongs to one Ram Bilash Yadav, the recovery is not from his conscious possession and has remained in custody since 31.08.2023 (as stated in paragraph 9 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Rahika P.S. Case No. 194 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 *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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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