

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69365 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- PIRBAHOR District- Patna

BIRU YADAV @ LULHA @ VIJAY KUMAR S/O LATE GIGAL YADAV
Resident of village- Nayagawn, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Dubey, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner seeks permission to
make necessary correction in paragraph no. 9 of the present bail
application in the course of day.

Permission is accorded.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) of Bihar Prohibition
and Excise Act, 2018.

As per prosecution story, the informant along with
other police officials after receiving a confidential information
conducted a raid and a total of 176.6 litres of illicit country
made wine was recovered from the abandoned house.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R and seizure list that nothing has been recovered from the conscious possession of the petitioner nor from the house of the petitioner. He further submits that the name of the petitioner transpired by local people, during the course of investigation. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Special Case No. 1854 of 2022 arising out of Pirbahore P.S. Case No. 190 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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