

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70565 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- KIUL District- Lakhisarai

Rajesh Yadav @ Matalu Yadav S/O Sri Nageshwar Yadav @ Nakat Prasad
Yadav Resident of village- Balahpur, P.S.- Kiul District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kiul P.S. Case
No. 130 of 2022 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 15 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that 15 litres of country made wine has
been recovered from the possession of the petitioner. He further
submits that in fact nothing has been recovered from the
possession of the petitioner rather the police has planted the
same and shown that the recovery has been made from the



possession of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Exclusive Special Court-2, Excise Act, Lakhisarai in connection with Kiul P.S. Case No. 130 of 2022, with 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



witness, 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 antecedents, 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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