

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73279 of 2023

Arising Out of PS. Case No.-411 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

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DHARMENDRA YADAV Son of Late Guru Charan Yadav RESIDENT OF
VILLAGE RAMPUR, P.S. ARA MUFASSIL, DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Ara Mufassil P.S. Case No. 411 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 20.9.2023 by the informant, Suman Kumar.

3. As per the prosecution story, the allegation is that on secret information, the place in question was raided and it is alleged that in four plastic bags, 10 liters each country made liquor as also in two bags 10 liters each totalling 60 liters of country made liquor were recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that he is an innocent person, had no role to play in the alleged recovery.



He is sole bread earner of the family and his incarceration in the jail, putting his family on the verge of the starvation. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also the recovery and further that he has no criminal antecedent and is in custody since 20.9.2023 (para-14 of the petition, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-Ist, Bhojpur at Ara/concerned court, in connection with Ara Mufassil P.S. Case No. 411 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 his 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 the 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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