

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73632 of 2023

Arising Out of PS. Case No.-377 Year-2023 Thana- AKBARPUR District- Nawada

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NANDU YADAV S/O- SUKHDEV YADAV @ SUKDEV YADAV R/O-
VILLAGE- LOHSINGHNA, P.S.- AKBARPUR, DIST.- NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Akbarpur P.S. Case No. 377 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 8.8.2023 by the informant, Nawneet Kumar .

3. As per the prosecution story, the police intercepted a motorcycle and recovered/seized 120 liters of 'Mahua'. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent of the same nature, in each and every case, he is being implicated in continuous of which he has been taken into custody in the present case, has already suffered by being in custody since 9.8.2023 (para-14 of



the petition).

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the aforesaid fact as also the fact that 120 liters of 'Mahua' has been recovered, he has remained in custody since 9.8.2023, FIR lodged, ultimately will be facing the trial, 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 Judge-Ist, Nawada, in connection with Akbarpur P.S. Case No. 377 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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