

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73394 of 2023

Arising Out of PS. Case No.-67 Year-2020 Thana- GOGRI District- Khagaria

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BABLU KUMAR YADAV Son of Rajendra Yadav Resident of Village -
Chukti, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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 custody in connection with Gorgi P.S. Case No. 67 of 2020 for the offence under sections 30(a) of Bihar Prohibition and Excise Act lodged on 04.03.2020 by the informant, Birbal Kumar Ray.

3. As per the prosecution story, the police intercepted a car and recovered 432 bottles of foreign liquor totalling 179.28 liters. Accordingly, the seizure list prepared, FIR lodged.

4. Learned counsel for the petitioner submits that he does not own the car but his name has cropped up for which he has already suffered by being in custody since 13.09.2023 and he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the car does not



belong to him, there is recovery of 179.28 liters of foreign liquor, is in custody since 13.09.2023 and do not have criminal antecedent, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st Khagaria, in connection with Gorgi P.S. Case No. 67 of 2020 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/her 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 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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