

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78957 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- AGIAON District- Bhojpur

Misir Yadav @ Ritesh Kumar Yadav @ Ritesh Kumar Son of Neelam Singh
Resident of Village - Vishambhara, P.S. - Garhani, District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Agiaon (Garhani) P.S. Case No. 98/2023 registered for the
offences punishable under Section 414 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, there was alleged
recovery of total 115.125 liters foreign liquor from Bolero
vehicle in question and the petitioner and other fled away from
the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not apprehended on the spot. The



petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 22.09.2023 and bears criminal antecedent of two cases in which he is on bail. He further submits that the petitioner was neither the owner nor the driver of the said vehicle in question. He further submits that the petitioner has no concern with the seized liquor. He further submits that the seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, the petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no.-1st, Bhojpur at Ara in connection with Agiaon (Garhani) P.S. Case No. 98/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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