

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1196 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- RAJAOLI District- Nawada

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YASHWANT KUMAR @ JASU RANA S/o Sita Ram Sharma @ Sita Ram
Rana Resident Of Village- Meghatari Dibbaur, Police Station- Kodarma,
District Kodarma, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Rajauli P.S. Case No.374 of 2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution, the police personnel acting upon a secret information seized a vehicle and apprehended this petitioner and recovered in total 900 ml of country made liquor



and 23.36 litres of foreign liquor from the alleged vehicle.

The main submissions advanced by the learned counsel Mrs. Shilpi Keshri for the petitioner are that the instant matter relates to recovery of about 24 litres of english wine and beer and in the alleged vehicle the petitioner was found as the driver and he was not the owner of the said vehicle and against him the investigation has been completed and he has been languishing in jail since 22.07.2022 and no local witness of the seizure of the alleged wine was made by the police. Further submission is that against the petitioner there are criminal antecedents of four cases in which he is on bail in all the cases.

Learned APP Mr. Md. Ataur Rahman appearing for the State has vehemently opposes the bail prayer and submits that the petitioner habitually indulged in illicit activity of smuggling of wine.

As per the allegation, about 23.36 litres english wine and 0.900 litre country-made liquor were recovered from the alleged vehicle and the petitioner was apprehended from the said vehicle and as per the statement made in paragraph No.3 of this petition he is an accused in four cases of similar nature lodged under Bihar Prohibition and Excise Act, 2016 and the said recovery of alleged wine from the conscious possession of



the petitioner as well as his criminal antecedents of the offences of similar nature goes against the petitioner but, however considering his custody period and also the fact that the petitioner is on bail in all the cases which have been shown as his criminal antecedents and he claimed to be driver of the alleged vehicle when the alleged liquor was recovered, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on **Provisional Bail for a period of one year from the date of this order** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Rajauli P.S. Case No.374 of 2022.

If during the period of said provisional bail, any further activity of the petitioner of similar nature of Excise Act is found then the prosecution will have a liberty to make a prayer for cancellation of the bail bond of the petitioner before the trial Court and on such application, the Court below will take strict action against the petitioner after verifying the prosecution's allegation.

If the petitioner does not remain involved in further activity of similar nature during the period of Provisional Bail



then the trial Court will confirm the said Provisional Bail on the same bail bond.

(Shailendra Singh, J)

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