

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26811 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- BIBHUTIPUR District- Samastipur

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Boby Yadav@ Bubby Yadav @ Babbi Kumar Son Of Ram Udeshya Yadav @
Ram Udesb Yadav Resident Of Village- Chochahi Bharpura, Ps- Bibhutipur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bibhutipur P.S. Case
No. 456 of 2023, instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1405.80
liters liquor was recovered from the house of co-accused
Surendra Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is further



submitted that the alleged place of recovery belongs to the co-accused Surendra Yadav and name of the petitioner has transpired upon secret information which was received by the police. The petitioner is in custody since 23.01.2024 and has got four criminal antecedents in which the petitioner is on bail in three cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Bibhutipur P.S. Case No. 456 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.



(III) Further condition is that, petitioner shall not
commit such type of offence during the course of the trial.

(Rudra Prakash Mishra, J)

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