

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41209 of 2024

Arising Out of PS. Case No.-48 Year-2018 Thana- NALANDA District- Nalanda

Rupan Yadav @ Rupa Yadav Son of Late Jwahar Yadav R/V - Nichali Bazar
Giriyak, P.S.- Giriyak, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Sujata Sinha, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nalanda P.S. Case No. 48 of 2018, lodged on 24.03.2018 under
Sections 30, 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, FIR has been lodged
against five named accused persons including the present
petitioner. Total 78 *litres* of foreign liquor has been recovered
which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the seizure list, it transpires that the said
recovery has been made from the poultry farm of one Pawan



Kumar and the petitioner is not the owner of the said poultry farm. Counsel further submits that the petitioner has unnecessarily been made accused in this case only due to the reason that his criminal antecedent is not clean and there are five criminal cases pending against him in which in all the cases, he is on bail. The petitioner is in custody since 08.04.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise 2nd, Bihar Sharif at Nalanda in connection with Nalanda P.S. Case No. 48 of 2018, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. However, the petitioner shall be granted bail only



on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- (I)- Giriyak P.S. Case No. 237 of 2014.
- (II)- Giriyak P.S. Case No. 141 of 2014.
- (III)- Giriyak P.S. Case No. 174 of 2020.
- (IV)- Giriyak P.S. Case No. 31 of 2021.
- (V)- Giriyak P.S. Case No. 317 of 2018.

(Dr. Anshuman, J.)

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