

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48548 of 2024**

Arising Out of PS. Case No.-80 Year-2024 Thana- PHULWARIYA District- Gopalganj

Rajeshwar @ Rajeshwar Yadav, Son of Late Ramayan Yadav, R/o- Luhushi,  
P.S.- Bhore, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      18-09-2024                      Heard learned Advocate appearing on behalf of the  
  
petitioner and the learned Additional Public Prosecutor for the  
  
State.

2. The application for grant of bail to the petitioner who is in custody in connection with Phulwariya (Sripur) P.S. Case No. 080 of 2024 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling the police intercepted a motorcycle rider; however, noticing the police party the motorcycle rider succeeded in fleeing away after leaving the motorcycle. On search, total 47.400 liters of country made illicit liquor was recovered.

4. Learned Advocate appearing on behalf of the



petitioner contended that the name of the petitioner has been implicated in this case only on account of he being owner of the motorcycle. In fact, on the alleged date of occurrence the motorcycle was taken away by one of his villagers and he was not knowing this fact that the same has been used for any illicit purpose. It is further contended that the implication of the name of the petitioner in the present case is because of the past criminal antecedent of identical nature, which has been disclosed in paragraph no. 3. Save and except the criminal antecedent, there is no material suggesting the complicity of the petitioner in the crime. The witnesses are none else, but the police personnel, though the search and seizure has been made on a public road. The petitioner has been incarcerated since 30.05.2024 and now the investigation of the crime is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the chargesheet has been submitted coupled with the fact that the petitioner was not apprehended with the motorcycle, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge Excise-I, Gopalganj in connection with Phulwariya (Shripur) P.S. Case No. 80 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this  
purpose or in the name of verification.

**(Harish Kumar, J)**

supratim/-

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