

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55514 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Rajesh Yadav Son of Bhebar Yadav @ Dheber Yadav @ Dhebar Yadav R/O
Vill.- Rakauli, P.s.- Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2024 Heard the parties.

2. The petitioner is in custody in connection with Raghunathpur P.S. Case No. 62 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 12.03.2024 by the informant, Birju Kumar.

3. As per the prosecution story, the informant alleged that upon secret information that in two motorcycles, five persons are carrying a sack having liquor and altogether, 144.980 liters of country made/foreign liquor recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that he has not been arrested from the spot, neither the motorcycle belongs to him nor he was driving it, his name has come in the confessional statement of Guddu Yadav, Sandeep Kumar and



Satyendra Yadav and he is in custody since 20.04.2024. He further submits that the similar situated co-accused person, Kranti Yadav has been extended relief vide order dated 22.05.2024 in Cr. Misc. No. 32174 of 2024 and without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 5,000/- to the District Legal Services Authority, Siwan (for the purchase of the journals).

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent, his name has come in the confession, nothing has been recovered from his conscious possession and similar situated person, Kranti Yadav, as stated above, has been extended relief, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- to the District Legal Services Authority, Siwan (for the purchase of the journals)

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Siwan, in connection with Raghunathpur



P.S. Case No. 62 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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