

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58583 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- AAYAR District- Bhojpur

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Baban Yadav @ Baban Singh Son of Baiju Yadav Resident of Vill- Chirapur,
P. S.- Ayar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Ayar P.S. Case No. 10
of 2024, instituted for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 170 liters
liquor was recovered from river side.

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. Learned counsel
for the petitioner also submits that the petitioner was not



arrested on spot. Name of the petitioner has transpired on the basis of disclosure made by local chaukidar. The alleged recovery has been made from an open place which does not belong to the petitioner and the same is easily accessible to public at large. The petitioner is in custody since 29.05.2024 and has got four criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 15.05.2024 passed in Cr. Misc. No. 36593 of 2024. 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 Ayar P.S. Case No. 10 of 2024, 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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