

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58641 of 2024

Arising Out of PS. Case No.-445 Year-2024 Thana- Excise P.S. District- Nawada

Santosh Yadav @ Tunna Yadav S/o Bandho Prasad Yadav R/o Village
Mohkama, P.S. Rajauli, District Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr.Birendra Kumar,learned counsel for the

petitioner and Mr.Sanjay Kumar Tiwary, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
22.06.2024 in connection with Excise P.S. Case No. 445 of
2024, F.I.R. dated 21.06.2024 registered for the offence
punishable under Sections 30(a) and 47 of Bihar Prohibition
and Excise Act.

3. Recovery is of 65 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the FIR
it appears that 65 liters of illicit liquor was recovered from the
motorcycle in question. Learned counsel for the petitioner



submits that although the petitioner was arrested alongwith motorcycle and the liquor in question but the petitioner has no concern at all with the motorcycle in question and there is complete violation of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.06.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that the petitioner was apprehended alongwith the illicit liquor and apart from that, the petitioner carries eight more cases of similar nature other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Nawada in connection with Excise P.S. Case No. 445 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

