

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62388 of 2024**

Arising Out of PS. Case No.-347 Year-2024 Thana- BRAHMPUR District- Buxar

Shambhu Yadav, Son of Shivjee Yadav, village- Chakani, Ps- Simri, Dist-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
For the Opposite Party/s : Mr. M.K. Nirala, APP

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

2 04-09-2024 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 Brahampur (Chakki) P.S.
Case No. 347 of 2024 registered for the offence punishable
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Based upon the written report the prosecution
alleges that the police on a tip of trafficking of illicit wine
apprehended the petitioner, who was coming on a car bearing
registration no. UP60AM2992. On search, total 116.8 litres of
illicit wine was recovered.

4. Learned Advocate appearing on behalf of the
petitioner referring to the FIR contended that in fact only on



account of the petitioner being owner of the vehicle in question, his name has been implicated in this case. Moreover, he denied the allegation that any recovery has made from the dickey of the car. It is further contended that the alleged recovery has been made from a public road, however, there is no independent witness to the search and seizure which smacks *malafide* coupled with the fact that the same is in defiance of Section 100 of the Code of Criminal Procedure. It is further contended that in fact on account of the past two criminal antecedent, his name has been implicated in this case. Moreover, the petitioner is in judicial custody since 18.07.2024. 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 now the petitioner has been incarcerated since 18.07.2024, let the petitioner, named above, 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 learned Exclusive Excise Special Judge, Court No. 2, Buxar in connection with



Brahampur P.S. Case No. 347 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)

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