

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63253 of 2024

Arising Out of PS. Case No.-689 Year-2022 Thana- BARHARA District- Bhojpur

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Dular Yadav @ Anil Kumar S/O Late Kardhan Bhagat R/O Village-
Daulatpur, P.S- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2024 Heard Mr. Ashok Kumar Singh, learned counsel for

the petitioner and Mr. Dashrath Mehta, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.08.2024 in connection with Barhara P.S. Case No. 689 of
2022, F.I.R. dated 26.09.2022 for the offences punishable under
Sections 30(a) and 37 of the Bihar Prohibition and Excise
Amendment Act, 2022.

3. Recovery is of 600 liters of country made Mahua
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person. The petitioner is in custody since 09.08.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, 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 the learned Special Judge Court 1st Bhojpur, Ara in connection with Barhara P.S. Case No. 689 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

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