

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67539 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- RAJNAGAR District- Madhubani

Pranav Kumar Son of Late Dasrath Yadav @ Dasrath Yadav Resident of
Village- Dhanjaiya, PS- Ladaniya, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Ms. Kumari Pallavi, learned counsel for the

petitioner and Mr. Tarkeshwar Nath Thakur, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.08.2024 in connection with Rajnagar P.S. Case No. 304 of
2024, F.I.R. dated 10.08.2024 for the offences punishable under
Sections 274, 275 and 3(5) of the Bhartiya Nyaya Sanhita and
Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise
Act.

3. Recovery is of 270 liters of Nepali country made
wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. She further submits that it appears from the F.I.R.



as well as seizure list that altogether 270 litres of Nepali country made wine has been recovered from Hyundai Magma Car. She further submits that although the petitioner was apprehended along with liquor and car but the petitioner is not the owner of the vehicle in question and he has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 10.08.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is acquitted in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Rajnagar P.S. Case No. 304 of 2024, 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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