

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70723 of 2024

Arising Out of PS. Case No.-387 Year-2024 Thana- BRAHMPUR District- Buxar

Rajkumar Yadav Son of Shri Bikrama Yadav @ Bikarma Yadav R/O Vill.-
Nawadih Mahadeo Ke Dera, P.S.- Brahampur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dimpal Kumari, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph 9 of the petition, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Brahampur (Chakki OP) P.S. Case No. 387 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 201822.

3. As per prosecution case, there is alleged recovery of 34.560 liter illicit liquor from the motorcycle in question and petitioner is said to have apprehended on the spot.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has not committed any offence as alleged in the first information report. Petitioner bears no criminal antecedent and is in custody since 08.08.2024. Petitioner is not the owner of the motorcycle in question. Seizure list has not been made as per law. He further submits that basically, in the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner bears no criminal antecedent, argument advanced on behalf of both sides and the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Excise Judge 2, Buxar in connection with Brahampur (Chakki OP) P.S. Case No. 387 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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