

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73330 of 2024

Arising Out of PS. Case No.-873 Year-2024 Thana- Excise P.S. District- Purnia

Rocky Yadav Son of Late Narayan Yadav Resident of Nayatol Jurabganj, P.S.
- Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Adv.

Ms.Puja Kumari, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise
(Purnia Sadar) P.S. Case No. 873 of 2024 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery
of 205.625 liters illicit liquor from the tempo in question.
Petitioner was apprehended on the spot alongwith others.

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 is neither
owner nor driver of the tempo in question. Learned counsel



further submits that petitioner was merely a co-passenger and he had no knowledge regarding the illicit liquor kept in the tempo in question. Petitioner has criminal antecedent of one case in which he is on bail. Petitioner is in custody since 29.08.2024.

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, argument advanced on behalf of both sides and the material available on the 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 Judge, Excise-2, Purnia in connection with Excise (Purnia Sadar) P.S. Case No. 873 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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